

MINUTES
(Recording is available)
PLANNING COMMISSION
NOVEMBER 2, 2017
LAKEWOOD CITY HALL

PRE-REVIEW MEETING
6:30 P.M.
LOWER CONFERENCE ROOM

REGULAR MEETING
7:00 P.M.
AUDITORIUM

The meeting was called to order at 7:00 p.m.

1. Roll Call

MEMBERS PRESENT

Kyle Baker
Glenn Coyne
William Gaydos, Vice Chairman
Louis McMahon, Chairman
Patrick Metzger
Mark Papke, City Engineer
Monica Rossiter (formerly known as Monica Jordan)

OTHERS PRESENT

Bryce Sylvester, Director, Planning and Development
Katelyn Milius, City Planner
Jennifer Swallow, Chief Assistant Law Director

2. Approve the Minutes of the October 5, 2017 meeting

A motion was made by Mr. McMahon, seconded by Mr. Gaydos to **APPROVE** the minutes of the October 5, 2017 meeting. All of the members voting yea, the motion passed.

3. Opening Remarks

NEW BUSINESS
COMMUNICATION

4. **Docket No. 11-24-17**

Outdoor Dining During Light Up Lakewood 2017 as Presented by Planning and Development

The City of Lakewood requests an exception to the Outdoor Dining Regulations in order to permit establishments with outdoor dining facilities within the event footprint to be open during Light Up Lakewood on December 2, 2017:

Chapter 1161.03 (t) (14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. (Page 4)

Ms. Milius stated this communication was presented annually to extend outdoor dining during the Light Up Lakewood event.

There were no questions or comments from the Commission.

A motion was made by Mr. Baker, seconded by Mr. Coyne to **APPROVE** the communication. All of the members voting yea, the motion passed.

LOT CONSOLIDATION

5. **Docket No. 11-25-17**
1636 Mars Avenue

Darren Mancuso, Relief Properties, Inc., property owner and applicant requests the review and approval for a lot split (PPN 314-03-054); the intent is to split the parcel into two in order to remove an existing garage and build a new single family home on one parcel and build a garage on the other parcel that has an existing home. The property is located in an R2 – Single and Two-Family Residential district. (Page 5)

Darren Mancuso, Relief Properties, Inc., property owner and applicant was present to explain the request.

Mr. Sylvester stated the lots would be conforming as per the zoning code. Final review and approval from CT was yet to arrive. The proposed new construction projects would have to be approved by the Architectural Board of Review.

Mr. Gaydos said it had been two separate lots originally.

Public comment was taken. Written comments were made part of record.

A motion was made by Mr. Gaydos, seconded by Mr. Metzger to **APPROVE the request with the following stipulation:**

- **subject to CT's final review and approval.**

All of the members voting yea, the motion passed.

6. **Docket No. 11-26-17**
1470 Warren Road and 1470 Victoria Avenue
Lakewood Board of Education

Steven J. Metcalf, P.S., Neff & Associates, applicant requests the review and approval for a lot split of PPN 314-04-019 (Board of Education) and consolidation with PPN 314-02-003 (Grant Elementary School). The property is located in a C4 - Commercial, Public School district. (Page 9)

Kent Zeman, Treasurer for the Lakewood Schools and Steven J. Metcalf, P.S., Neff & Associates, applicant were present to explain the request.

Ms. Milius said approval would be subject to review and approval by CT.

Public comment was closed. There were no comments or questions from the Commission.

A motion was made by Mr. McMahon, seconded by Mr. Baker to **APPROVE the request with the following stipulation:**

- **subject to CT's final review and approval.**

All of the members voting yea, the motion passed.

OLD BUSINESS
CONDITIONAL USE

7. **Docket No. 10-21-17**
13367-69 Madison Avenue
Great Lakes Medicinal, Inc.

Stephen Ernst, Great Lakes Medicinal, Inc., applicant requests the review and approval of a Conditional Use in order to operate the Great Lakes Medicinal medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district. This item was deferred from the October 5, 2017 meeting. (Page 21)

Tom Heran, attorney at Frantz Ward LLP for Great Lakes Medicinal, Inc. was present to explain the request.

The Commission asked if the green area behind the building could be made into a dedicated space for off-street parking. Mr. Heran replied the company would explore the possibility.

Ms. Milius stated the department received the Chief of Police's comments regarding the security plan: security for parking was a concern, requirement of a security guard on the premises during all business hours, remediation of the graffiti situation, ABR approval of the back area for off-street at time of awning review. Approval of the security plan would be at the time of licensing with the city.

The Commission sought confirmation that storage and limited use of the business would be for the ground floor of the building. The Commission asked for a condition of approval that there would be an annual review for renewal of the Conditional Use permit for any and all of the medicinal marijuana dispensaries in the city.

Ms. Milius relayed written comments received by city administration (made part of record). Public comment was taken. Mr. Sylvester said this issue was a learning process. He added that security measures and parking for the dispensaries were taken seriously and would apply to all similar applications. Annual reviews were recommended strongly, and city administration was open to policy changes. Ms. Swallow confirmed the second floor apartment units were not permitted for commercial use. The Commission thought dedicated handicap parking spots would be advisable.

A motion was made by Mr. Gaydos, seconded by Mr. Coyne to **APPROVE the request with the following stipulations:**

- **The security plan is approved by the Chief of Police including parking cameras approval,**
- **A security guard will be onsite for all operating hours,**
- **Cleaning of building and site will be done to ABR regulations, to be completed and maintained,**
- **Explore rear onsite parking and create if possible,**
- **ADA compliance parking if available,**
- **Compliance to all ABR requirements,**
- **Comply with all city business licensing requirements,**
- **A mandatory one year annual review,**
- **Compliant with all state codes and licenses granted,**
- **Conditional use is in effect upon legislation as of November 13, 2017.**

All of the members voting yea, the motion passed.

NEW BUSINESS
CONDITIONAL USE

8. **Docket No. 11-27-17**
PPN 311-18-088, (approximately 18607-09 Detroit Avenue) 48605-Detroit Avenue
GTI Ohio LLC

Robert George, GTI Ohio LLC, requests the review and approval of a Conditional Use in order to operate a Medical Marijuana Dispensary; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district. (Page 36)

Joseph George, Max Bonnanno, Jim Trakes, Gary Fischer, Michael Dobeck, representatives were present to explain the request.

The Commission asked the time frame for construction of the new building, about access to the second floor, the volume of customers on a daily/monthly basis, peak hours of business.

Ms. Milius relayed written comments received by city administration (made part of record). Security plans were submitted for review, many of the concerns were answered in the presentation. City administration noted the security cameras, inclusion of bollards at the front and rear of the building, and recommended a security guard during business hours. There was plenty of parking.

Public comment was taken.

A motion was made by Mr. Gaydos, seconded by Mr. Coyne to **APPROVE the request with the following stipulations:**

- **The new building is built to city code and approved by ABR,**
- **The security plan is approved by the Chief of Police including cameras approval,**
- **A security guard will be onsite for all operating hours,**
- **Compliance to all ABR requirements,**
- **Comply with all city business licensing requirements,**
- **A mandatory one year annual review,**
- **Compliant with all state codes and licenses granted,**
- **Conditional use is in effect upon legislation as of November 13, 2017, and**
- **Approved bollards in front and rear of the building.**

All of the members voting yea, the motion passed.

9. **Docket No. 11-28-17**
11906-11912 Madison Avenue
Infleursion, LLC

Dvora Nelson Jeter, Infleursion, LLC, applicant requests the review and approval of a Conditional Use in order to operate a Medical Marijuana Dispensary; pursuant to Section 1129.02 - principal and conditional permitted uses; subject to the applicant successfully obtaining a provisional license to operate a dispensary from the Ohio Board of Pharmacy. The property is located in a C2 - Commercial, Retail district. (Page 55)

Dr. Dvora Nelson, Certified Board Surgeon, Tim Laurus of ABM Security and Surveillance, Sandusky, and were present to explain the request.

The Commission asked if there was an onsite security officer. Dr. Nelson replied there would be one onsite at all times.

Ms. Milius relayed a written comment received by city administration (made part of record). The security plan was reviewed, and a minor issue was resolved. There was no concern about parking at the site.

Public comment was closed as there was no one to address the matter.

A motion was made by Mr. Gaydos, seconded by Mr. Coyne to **APPROVE the request with the following stipulations:**

- **The security plan is approved by the Chief of Police including cameras approval,**
- **A security guard will be onsite for all operating hours,**
- **The building is renovated to code with ABR approval,**

- There is an appropriate parking plan on file,
- Comply with all city business licensing requirements,
- A mandatory one year annual review,
- Compliant with all state codes and licenses granted,
- Conditional use is in effect upon legislation as of November 13, 2017, and
- Approved bollards in front of the building.

All of the members voting yea, the motion passed.

OLD BUSINESS COMMUNICATION

10. Docket No. 10-22-17

Proposed Changes to Chapter 1161, Conditional Use Permit to Allow the Operation of Body Art Establishments

The Department of Planning and Development staff will deliver a communication regarding the proposed changes to Chapter 1161, Conditional Uses, to conditionally permit body art establishments in the City. This item was deferred from the October 5, 2017 meeting. (Page 98)

Ms. Milius gave the explanation. The item was referred from City Council. The City had added requirement in addition to those of the Ohio Administrative Code (outlined in the meeting presentation).

There was no further discussion.

A motion was made by Mr. Coyne, seconded by Mr. Papke to **RECOMMEND TO CITY COUNCIL with the stipulation the items as presented in the presentation are added.**

All of the members voting yea, the motion passed

NEW BUSINESS COMMUNICATION

11. Docket No. 11-29-17

Parking Plan Review Fee Chapter 1143 and 1173

The Department of Planning and Development staff will deliver a communication for review and recommendation to City Council regarding the proposed changes to Chapters 1143 and 1173, to add a parking plan review fee. This item was referred to the Planning Commission by City Council at its October 16, 2017 meeting. (Page 99)

Ms. Milius explained the communication.

The Commission confirmed this would be for businesses over 2,500 sq. ft. Mr. Sylvester said the application fee was for Planning Commission review only.

A motion was made by Mr. McMahon, seconded by Mr. Baker to **RECOMMEND TO CITY COUNCIL** for passage. All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. McMahon, seconded by Mr. Gaydos to **ADJOURN** the meeting at 9:11 p.m. All of the members voting yea, the motion passed.

James L. H. H.

Signature

December 7, 2017

Date



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

1. Steven Kutzler
2. Darren Mancuso
3. Gary Smith
4. Chris Oluk
5. KENT ZEMAN
6. Tom Hae
7. J Berger
8. Joe George
9. Gary Fischer
10. Michael Dobeck
11. Trakes, Janet P.
1. Dole

[Handwritten signatures corresponding to the print names above]

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ☐ ABR/BBS ☐ Citizens Advisory ☐ Civil Svc. ☐ Dangerous Dog ☐ Income Tax Appeals ☐ Loan Approval ☐ Nuisance Abatement Appeals ☐ Parking ☒ Planning ☐ Zoning Appeals ☐ Other:

Date of Proceeding: 02 NOV 17 Thursday, November 2, 2017



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

1. Max Bonanno
2. Diane Mester
3. Stanislav Renuillo
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

1. Max Bonanno
2. Diane Mester
3. Stanislav Renuillo
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ☐ ABR/BBS ☐ Citizens Advisory ☐ Civil Svc. ☐ Dangerous Dog ☐ Income Tax Appeals ☐ Loan Approval ☐ Nuisance Abatement Appeals ☐ Parking ☒ Planning ☐ Zoning Appeals ☐ Other:

Date of Proceeding: 02-Nov-17, Thursday

Legal Description
Lot Split – Parcel A
0.1902 Acres

November 1, 2017
Project 17-097
Page 1 of 1

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio, and known as being the northerly 45 feet of Sublot No. 8 of The Mars Wagar Realty Company Subdivision of part of Original Rockport Township No. 22 as recorded in Plat Volume 42, Page 30 of Cuyahoga County Records and more fully described as follows:

Commencing at the point of intersection of the centerline of Mars Avenue, 50 feet wide (17 feet on the west side and 33 feet on the east side) and northerly right of way line of Hilliard Boulevard, 60 feet wide where found a 1 inch iron pin in a monument box; Thence South $00^{\circ}09'00''$ East in said Mars Avenue centerline 563.60 feet; Thence North $89^{\circ}45'30''$ West 17.00 feet to the easterly line of said Sublot 8 and the **Principal Point of Beginning** of the land herein described where set a $5/8$ " iron pin;

Thence North $89^{\circ}45'30''$ West 184.11 feet to the westerly line of said Sublot 8 and the easterly line of land described in a deed to Kathy Lee Olah, Living Trust and recorded in AFN 200104110471 where set a $5/8$ " iron pin;

Thence North $00^{\circ}04'30''$ West in westerly line of said Sublot 8 a distance of 45.00 feet to the northwest corner thereof where set a $5/8$ " iron pin;

Thence South $89^{\circ}45'30''$ East in the northerly line of said Sublot 8 a distance of 184.05 feet to the northeast corner thereof and the westerly line of said Mars Avenue where found a $1/2$ " iron pipe 0.22 of a foot north and 0.06 of a foot west;

Thence South $00^{\circ}04'30''$ East in said westerly line of said Mars Avenue, 45.00 feet to the **Principal Point of Beginning and** containing 0.1902 of an acre (8283 square feet) of land.

This description is based on a field survey by Straub Surveying, LLC in October 2017 and was prepared by Gerald L. Yetzer P.S. 7728 (Ohio) on October 28, 2017. The basis of bearings for this description is the centerline of Mars Avenue as defined by a 1 inch iron pin in a monument box at the intersection of the said centerline of Mars Avenue and northerly right of way line of Hilliard Boulevard and a $5/8$ inch capped (illegible) iron pin found on the westerly line of said Mars Avenue 0.25 of a foot north of Sublot 12.

Legal Description
Remainder – Parcel B
0.3171 Acres

November 1, 2017
Project 17-097
Page 1 of 1

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio, and known as being the whole of Sublot No.9, the southerly 5 feet of Sublot No. 8, and the northerly 20 feet of Sublot No. 10 of The Mars Wagar Realty Company Subdivision of part of Original Rockport Township No. 22 as recorded in Plat Volume 42, Page 30 of Cuyahoga County Records and more fully described as follows:

Commencing at the point of intersection of the centerline of Mars Avenue, 50 feet wide (17 feet on the west side and 33 feet on the east side) and northerly right of way line of Hilliard Boulevard, 60 feet wide where found a 1 inch iron pin in a monument box; Thence South $00^{\circ}09'00''$ East in said Mars Avenue centerline 563.60 feet; Thence North $89^{\circ}45'30''$ West 17.00 feet to the easterly line of said Sublot 8 and the **Principal Point of Beginning** of the land herein described where set a $5/8''$ iron pin;

Thence North $89^{\circ}45'30''$ West 184.11 feet to the westerly line of said Sublot 8 and the easterly line of land described in a deed to Kathy Lee Olah, Living Trust and recorded in AFN 200104110471 where set a $5/8''$ iron pin;

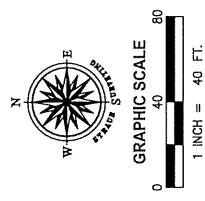
Thence South $00^{\circ}04'30''$ East in westerly line of Sublots 8 and 9 a distance of 75.00 feet to a point in the westerly line of Sublot 10 where set a $5/8''$ iron pin;

Thence South $89^{\circ}45'30''$ East 184.20 feet to the westerly line of said Mars Avenue where set a $5/8''$ iron pin;

Thence North $00^{\circ}04'30''$ West in said westerly line of said Mars Avenue, 75.00 feet to the **Principal Point of Beginning** and containing 0.3171 of an acre (13,812 square feet) of land.

This description is based on a field survey by Straub Surveying, LLC in October 2017 and was prepared by Gerald L. Yetzer P.S. 7728 (Ohio) on October 28, 2017. The basis of bearings for this description in the centerline of Mars Avenue as defined by a 1 inch iron pin in a monument box at the intersection of the said centerline of Mars Avenue and northerly right of way line of Hilliard Boulevard and a $5/8$ inch capped (illegible) iron pin found on the westerly line of said Mars Avenue 0.25 of a foot north of Sublot 12.

1636 Mars Avenue



Owner's Acceptance:
I the undersigned owner of the land shown herein, do hereby accept this plat and Lot Split of the same.

Relief Properties, Inc.

Notary:

County of Cuyahoga
State of Ohio 1 SS

Before me, a Notary Public in and for said County and State, personally appeared the above Relief Properties, Inc., who acknowledged that they did sign the foregoing instrument and that it was their own free act and deed.

In witness whereof I have hereunto set my hand and official seal at _____
Ohio this ____ day of _____, 2017.

Notary Public

Approvals:
This plat is hereby approved by the City of Lakewood Planning Commission this ____ day of _____, 2017.

Chairman

Secretary

This plat is hereby approved by the City of Lakewood Engineer this ____ day of _____, 2017.

City Engineer

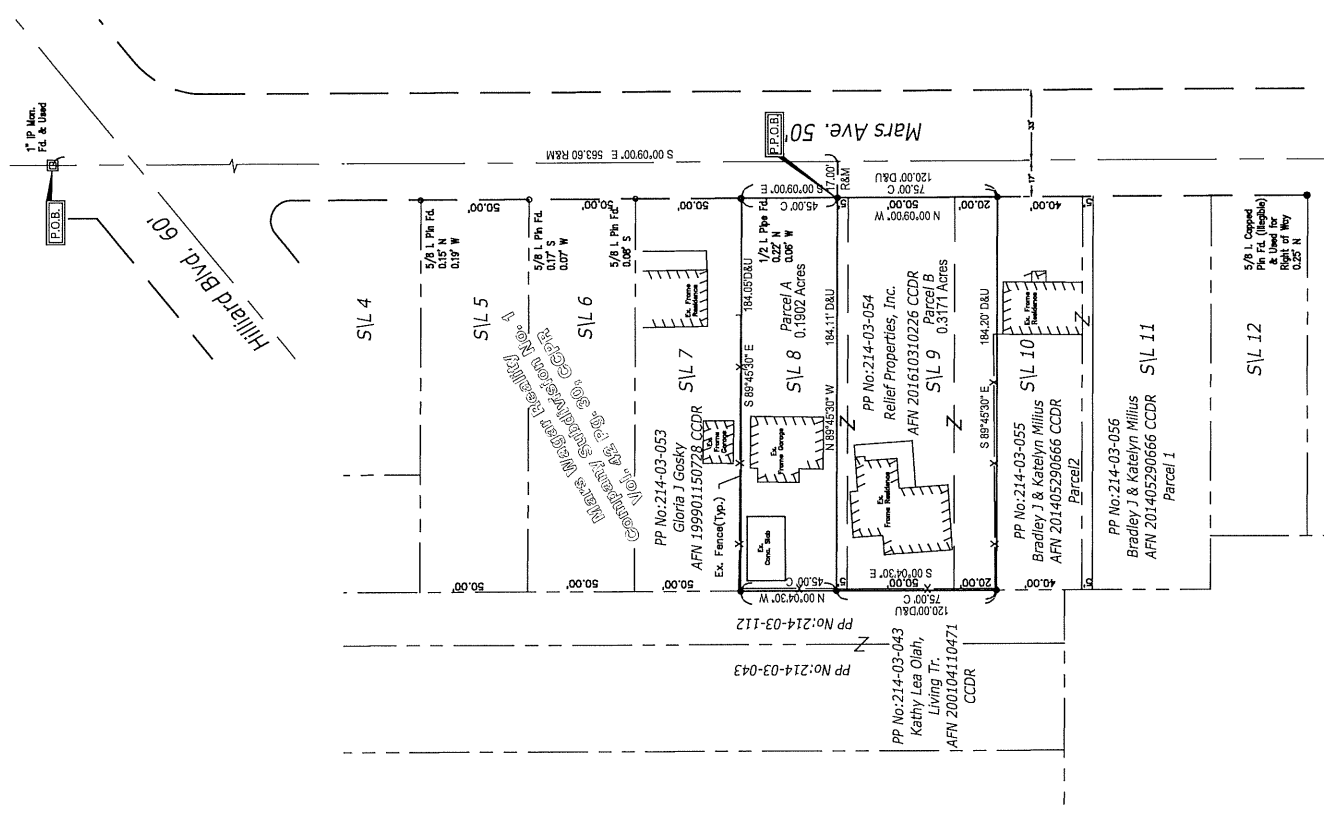
STRAUB SURVEYING, LLC
PROFESSIONAL LAND SURVEYORS
15100 W. 163RD AVE., SUITE 100, LAKESIDE, OHIO 44130
PHONE: 440-231-1160 INFO@STRAUBSURVEYING.COM

Date of Survey: October 6, 2017
By: J.Y.
Project No: 17-097
DWS: 17-097 1636 Mars Ave Lot Splitting

Revisions			
NO.	DATE	DESCRIPTION	BY
1	10/26/17	Setting Date for City Commission	J.Y.
2	10/27/17	Setting Date	J.Y.
3	10/27/17	Setting Date	J.Y.
4	10/27/17	Setting Date	J.Y.

Lot Split of Sublot No. 8 and Consolidation of Sublot No. 9, the southerly 5 feet of Sublot No. 8, and the northerly 20 feet of Sublot No. 10 of Mars Wagar Realty Company Subdivision for Relief Properties, Inc.
Part of Original Rockport Township Section No. 22 as recorded in Volume 42, Page 30 of Cuyahoga County Records
City of Lakewood, County of Cuyahoga, State of Ohio

Sht.	
1	1
Prepared For Relief Properties, Inc.	



Surveyor's Notes:
The basis of bearings for this survey is the centerline of Mars Avenue, which is shown on the plat. The survey was conducted on October 6, 2017, and is based on the 1983 North American Datum. The survey was conducted by Gerald L. Yezer, Ohio Professional Surveyor No. S-7728.

By Gerald L. Yezer, Ohio Professional Surveyor No. S-7728

Areas:
Parcel A - 0.1902 Ac.
Parcel B - 0.3171 Ac.
Total - 0.5073 Ac. - PPN 214-03-054

Basis of Bearings:
The centerline of Mars Avenue as shown and Described Above.

- References:
1. Cuyahoga County GIS,
 2. Plat Vol. 42, Page 30,
 3. Plat Vol. 42, Page 4,
 4. Subject and adjoining Deeds.

- Survey Legend
- Fd Found
 - U Used
 - D Deed
 - C Calculated
 - CCDR Cuyahoga County Deed Records
 - CCPR Cuyahoga County Plat Records
 - Monument Box
 - Copped Iron Pin Found
 - Iron Pin (IP) Found as Described
 - Iron Pipe (IP) Found as Described
 - Iron Pin (CIP) Set
 - ⌵ Proposed Land Hook
 - ⌵ Existing Land Hook
- CH SET ARE 5/8" x 30" REBAR W/YELLOW CAP STAMPED PS#7055

Schwarz, Johanna

From: gloria gosky <ggosky@gmail.com>
Sent: Wednesday, November 1, 2017 7:19 PM
To: Planning Dept
Subject: Docket No. 11-25-17 1636 MARS AVE

As the neighboring property owners to the north of 1636 Mars Avenue, we would like to voice some concerns for you to consider on the splitting of the parcel and building of a new single family home.

Would it be the intention of the property owner / investor to sell the newly constructed home for owner occupancy or as a rental property ?

Is there a plan to build separate garages for each dwelling ?

There is a tree between our two garages on their property that overhangs both garages. It has grown at an angle that has pushed our fence out a few feet. Would removing the tree be part of their plans ?

We have already lost a lot of privacy between the properties with their removal of the built up landscaping along the fence.

Would a privacy fence be part of their construction plans ?

If approved, would there be a set timeline for final construction to be completed ?

We purchased our home not ever imagining our privacy would be greatly compromised with a home stuck right next to ours.

We think it would look totally unnatural and awkward !

Thank you for your considerations.

Sincerely,

Gary Smith and Gloria Gosky
1626 Mars Avenue

Schwarz, Johanna

From: gary smith <theexpressnetwork@gmail.com>
Sent: Thursday, November 2, 2017 5:19 PM
To: Planning Dept
Subject: Fwd: Pic 11-25-17

Sent from my iPhone

Begin forwarded message:

From: Gary Smith <suburbangary@gmail.com>
Date: November 2, 2017 at 5:15:19 PM EDT
To: Gary Smith <theexpressnetwork@gmail.com>
Subject: Pic





Sent from my iPhone

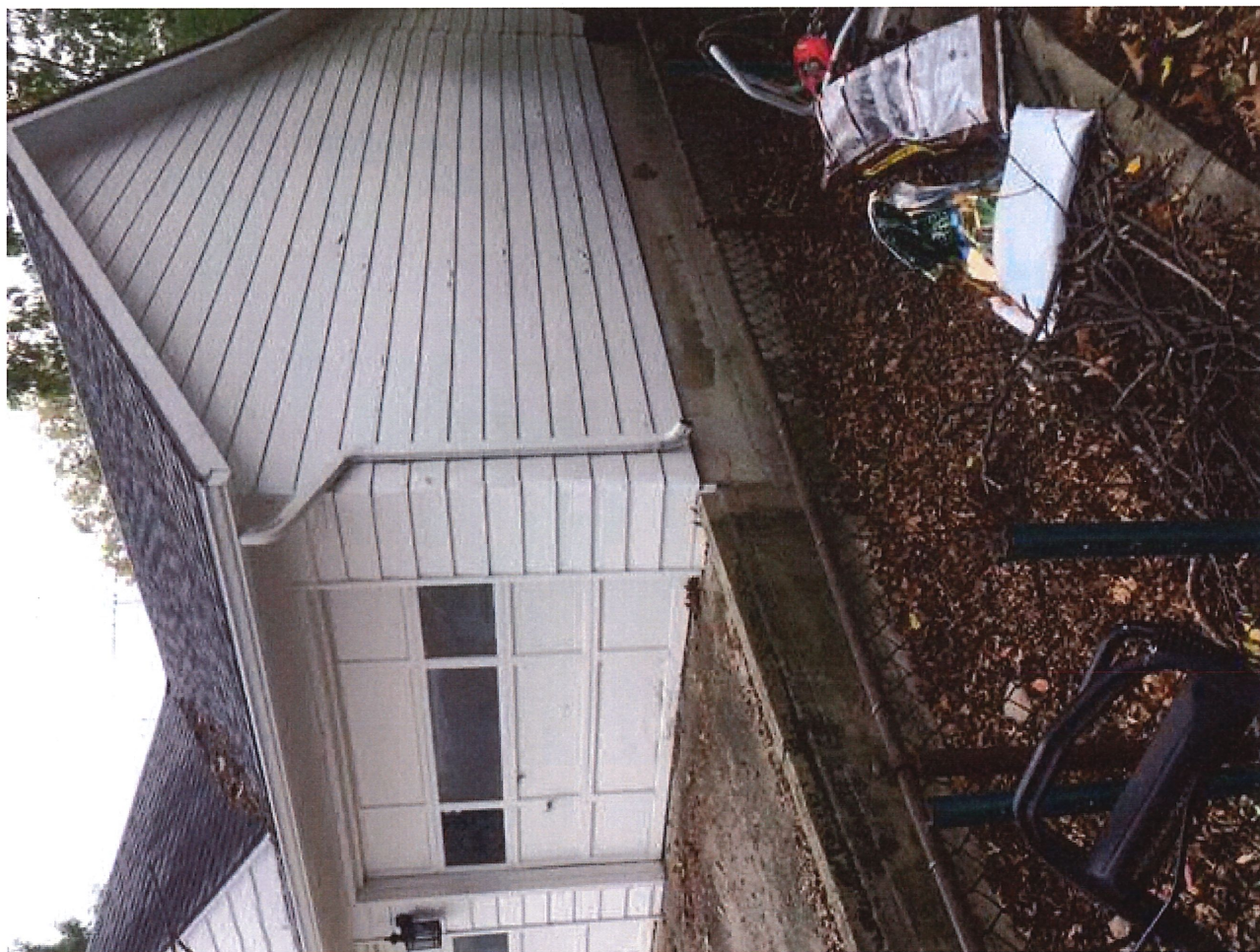
Schwarz, Johanna

From: gary smith <theexpressnetwork@gmail.com>
Sent: Thursday, November 2, 2017 5:18 PM
To: Planning Dept
Subject: Fwd: Pic 11-25-17

Sent from my iPhone

Begin forwarded message:

From: Gary Smith <suburbangary@gmail.com>
Date: November 2, 2017 at 5:14:23 PM EDT
To: Gary Smith <theexpressnetwork@gmail.com>
Subject: Pic



Milius, Katelyn

Great Lakes

From: Chuck James <chazman778@aol.com>
Sent: Friday, October 27, 2017 9:43 PM
To: Planning Dept
Subject: Marijuana

Follow Up Flag: Follow up
Flag Status: Flagged

Let them go to cleveland. We don't want that influence on our children.
Tks, Chuck James 1662 waterbury

Sent from AOL Mobile Mail

From: Mike H <gtmike@hotmail.com>
Sent: Thursday, October 5, 2017 5:21 PM
To: Planning Dept
Subject: planning meeting # 10-21-17

To Lakewood Planning Commission
Re: Docket # 10-21-17 13367 Madison Ave.
Great Lakes Medicinal

Dear Planning Commission,

I don't think a dispensary fits logistically or with the current businesses on Madison Ave. Cuyahoga County will have a maximum of 5 dispensaries, one for every 250,000 people in the county. What kind of volume can this small store front with only street parking handle? A dispensary would be better suited in a more 'retail friendly' environment like a strip mall with more well-lit parking.

Dispensary cannot be within 500 ft of a school church library playground or church. While Madison library and Madison park are just outside of this, I feel the placement of the dispensary violates the spirit of the law to protect those most impressionable. Lakewood is not typical urban sprawl or out in the country it's a densely populated city. A city with Families living adjacent to this proposed store. It's a walking city where kids have to walk school and families walk about.

If this is for medical purposes shouldn't it be located in/near hospitals? Are other doctors or medical services on Madison ave of this proposed site, the answer is NO.

What happens in the future 5, 10, 20 years down the road, if marijuana becomes recreational . This could easily escalate drug usage in the neighborhood.

Property values have risen substantially over the last 5 years, we can keep it going without this new business. I'm all for keeping Lakewood progressive and helping patients but we should protect the families of Lakewood. This location is unacceptable.

Additionally your letter mentioned finding the full agenda at www.onelakewood.com/publicnotices this link does not work. And there was no agenda included with the the planning commissions letter.

If you would like further input or would like to speak directly with me please call my cell phone 440-785-3239.

Thank You for your consideration,
Mike Haytas
Owner/Occupant
2012 Waterbury Rd

From: Sylvester, Bryce
Sent: Thursday, November 2, 2017 4:48 PM
To: Cait Proctor
Cc: Milius, Katelyn
Subject: Re: Planning Commission Meeting, Docket No. 11-27-17

Thank you for sharing your input and thoughts Caitlin. We will share this email with our planning commission this evening.

Bryce

--

Bryce Sylvester
Director of Planning & Development
City of Lakewood
216-529-6635
Bryce.Sylvester@lakewoodoh.net

On Nov 2, 2017, at 4:12 PM, Cait Proctor <gearyproctor@yahoo.com> wrote:

Dear Mr. Sylvester,

I received a letter in the mail regarding Docket No. 11-27-17, the conditional operation of of a Medical Marijuana Dispensary at 18605 Detroit Avenue. I live on Graber Drive and this facility would be located at the end of my street.

I am unable to attend tonight's Planning Commission Meeting, but as Block Club Captain for the neighborhood, I wanted to email you my thoughts.

While I support the legalization of medicinal marijuana, I am not interested in having a dispensary operate within walking distance of my home.

A business such as this would inevitably produce even more traffic than we currently have. Our street is one-way only, but with the plethora of businesses on Detroit Avenue this frequently gets ignored. I regularly see individuals attempt to exit the street at the wrong end, and I only foresee an increase with the addition of a popular business. I have one young child with another on the way, and I do not relish the idea of increasing traffic on our street, regardless of which direction it is going.

Further, dispensaries are conducted as cash-only operations due to issues with federal regulations and banking. As such, they are often the target of burglaries. I would be displeased to see an increase in criminal activity in my neighborhood. Home values matter a great deal to home owners in Lakewood, and I am no exception. An increase in crime would negatively impact the value of my home, something I have put a great deal of money into renovating and beautifying.

Please consider these concerns when deciding whether or not to approve this operation.

I appreciate your time in reading this email.

Thank you,
Caitlin Proctor-Frazier

Block Club Captain
1440 Graber Drive
Lakewood, OH 44107
440-413-3144

Milius, Katelyn

GTI

From: Diane Mester <diane.mester1@gmail.com>
Sent: Monday, October 30, 2017 10:31 AM
To: Planning Dept
Subject: Medical Marijuana Dispensary.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Lakewood Planning Commission, I have several questions regarding Docket No.11-27-17. Will Harry Buffalo still be operating as a Restaurant/Bar at this same location? What would the hours of operation be for the dispensary? I am not in favor of this facility at the proposed location! The site is one of the first businesses people view as they enter Lakewood from the city's West End. It is an important gateway into our community. I believe there could be a much better use for this location, one that would serve the entire community. Regards, Diane Mester

Madison Avenue Car Wash

11832 Madison
Lakewood Ohio

Inflursion

Liberty Auto Wash

4185 Liberty Ave
Vermilion, OH 44089
(440) 967-8634 or 8417

11/2/17

City of Lakewood
12650 Detroit
Lakewood Ohio 44107
Fax: 216-529-5907

Attn: Planning Commission

RE: Docket No 11-28-17
11906-12 Madison Ave
Inflursion, LLC

To the members of the Lakewood Planning Commission

I am one of the owners of Madison Ave car Wash at 11832 Madison Ave. I am strongly opposed to a Medical Marijuana Dispensary next door.

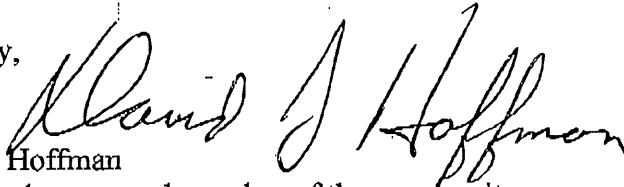
1. Employees: Many of our employees are directly out of the Keating Center and in recovery from drug and alcohol treatment. What does it do for their recovery looking across the street, knowing what is sold there, seeing people coming and going obtaining one of the products that has destroyed their lives!!!! What does this do for their recovery???
2. Location Zoning: It may be Commercial Retail --- but it also adjoining concentrations of retail housing.
3. Schools: Consider how many schools and school crossings that are just west down the street. Why have a school crossing leading to a marijuana sales facility???? It seems counterproductive to pay teachers to teach about drug safety and then have a "drug store" across the street.
4. Community: What good comes of attracting users to our community????
5. Housing values: Would you want to buy into a neighborhood with this facility as a neighbor? If housing values go down, vacancies increase, etc., what happens to tax revenue??



6. Experience: Previously, as an officer in the United States Army, I as a company commander and drug officer, with the responsibility for the health and well being of the men in my command, saw NO GOOD come out of the presence of marijuana!!!! All I saw was the destruction of lives and families. You can help stop it here in Lakewood!!!!
Your job is to help make Lakewood a better place!!!!

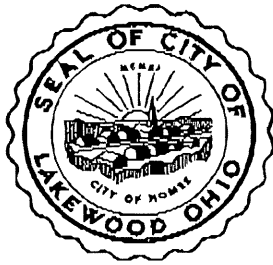
6. Christian or other religious values: Can you sit through church, take holy communion, etc., knowing that you have approved this. I understand the separation of church and state, and in this case both can be served (which is your duty to accomplish) by not allowing this to take place.

Sincerely,

A handwritten signature in black ink, reading "David J. Hoffman". The signature is written in a cursive style with a large, stylized "D" and "H".

David J. Hoffman

Owner and concerned member of the community.



PLANNING COMMISSION

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5907
www.onelakewood.com/development

PUBLIC NOTICE
10/24/2017

Re: **Docket No. 11-28-17**
11906-12 MADISON AVE
Infleursion, LLC

Project Description: the review and approval of a Conditional Use in order to operate a Medical Marijuana Dispensary; pursuant to Section 1129.02 - principal and conditional permitted uses; subject to the applicant successfully obtaining a provisional license to operate a dispensary from the Ohio Board of Pharmacy. The property is located in a C2 - Commercial, Retail district.

You are receiving this letter as the applicant or neighboring property of **11912 MADISON AVE.**

At its meeting on **Thursday, 11/02/2017**, the Planning Commission will consider the applicant's request.

The review meeting of the Planning Commission will begin at **7:00 p.m.** in the Auditorium of Lakewood City Hall, 12650 Detroit Avenue. The pre-review meeting will begin at 6:30 p.m. in the second floor Council Conference Room. Please use the west side entrance into City Hall.

As a neighboring property owner/occupant, if you wish to express your views on the above captioned property, you may do so in writing and send via e-mail to Planning@lakewoodoh.net or fax (216) 529-5907. If your building is tenant occupied, please advise your tenants of the scheduled meeting or post this notice in an area of general use. If your property has been sold within the last six (6) month period, please be sure this notice reaches the new owner. Additionally, you can find the full agenda posted online at www.onelakewood.com/PublicNotices.

As the applicant, pursuant to the rules of the Planning Commission, you or an authorized agent must appear at this meeting to have your request considered. If an agent is representing you, that agent must present written authorization to my attention, the Secretary of the Commission. If you fail to appear without requesting a continuance by contacting the Secretary of the Commission, you will be required to file a new application before your proposal is considered. A copy of the agenda of the meeting is enclosed for your information. If you have any questions or concerns, please do not hesitate to contact me at 216-529-6630 or e-mail Planning@lakewoodoh.net.

Sincerely,

Katelyn Z. Milius

Katelyn Milius, Planner
Commission Secretary

Placed on first reading and referred to the Planning Commission and Committee of the Whole 9/5/2017. Second reading 9/18/2017. Returned to Council with favorable recommendation by the Planning Commission 9/7/2017. Please substitute for the original.

ORDINANCE NO. 32-17

BY:

AN ORDINANCE to take effect at the earliest period allowed by law, amending various sections and enacting new chapters of the Codified Ordinances of the City of Lakewood in order to regulate medical marijuana cultivators, processors and dispensaries in the City.

WHEREAS, on September 8, 2016, Ohio House Bill 523 (codified in Ohio Revised Code Chapter 3796) took effect, codifying a statewide medical marijuana control program under which licensed medical marijuana cultivators, processors, dispensaries and testing laboratories could legally operate within the state; and

WHEREAS, the City has the power to regulate and license medical marijuana entities pursuant to Ohio Revised Code Chapter 3796 and pursuant to its exercise of police powers in furtherance of the health, safety and general welfare of the residents of the City; and

WHEREAS, this Council has determined that medical marijuana dispensaries should be able to locate within the City so that residents may access this form of medical relief in order to reduce or eliminate pain and suffering caused by the severe medical conditions identified by the Ohio legislature as qualifying for medical marijuana treatment; and

WHEREAS, this Council has determined that the business and zoning regulations set forth herein shall ensure the safe and secure operation of medical marijuana entities within the City.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the state medical marijuana control program is currently underway; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Schedule 1129.02, Permitted Uses in Commercial Districts, currently reading as follows:

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS				
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
RESIDENTIAL				
Single-Family/Two-Family Dwellings	-	-	-	C
Multi-Family Dwellings	-	C ¹	C ¹	C ¹
Mixed Use Structure	P	P	P	C ⁷
Hotels/Motels	-	-	P	C ⁷
Groups/Convalescent/Nursing/Assisted Living	C	C	P	C ⁷
Day-Care Centers (6+ children)	P	P	P	C ⁷
Bed and Breakfast Establishment	C	C	C	C
INSTITUTIONAL				
Funeral Homes	-	C	P	C ⁷
Places of Worship	C	C	C	C ⁷
Elementary/Secondary Schools	P	P	P	C
Trade/Vocational Schools	-	C	P	C ⁷
Colleges	C	P	P	C ⁷
Libraries	C	P	P	C ⁷
Hospitals	C	C	P	C ⁷
Public Parks and Playgrounds	C	C	C	C ⁷
Parking Facility as a Principal Use	P	P	P	C ⁷
ENTERTAINMENT				
Indoor Commercial Recreation	-	C	P	C ⁷
Theaters, Banquet Hall, Party Center	-	C	P	C ⁷
Studios for Instruction	-	P	P	C ⁷
Fraternal Organizations	-	C	P	C ⁷
Museum/Art Gallery	P	P	P	C ⁷
Auditorium	-	C	P	C ⁷
FOOD AND BEVERAGE SERVICES				
Restaurant seated Table Service	P ²	P	P	C ⁷

Restaurants – Fast Food	C ²	P	P	C ²
Bar, Tavern, Nightclub	C ²	P	P	C ²
Outdoor/Seasonal Dining Facility	C ³	C ³	C ³	C ^{3, 7}
PROFESSIONAL SERVICES				
Offices <i>Including:</i>				
Business, Medical, and Government	P	P	P	C ⁷
Medical Clinics/Urgent Care Facility	C	C	P	C ⁷
Radio/TV/Video/Audio Production	C	C	P	C ⁷

RETAIL/SERVICE USES				
General Retail <i>Including:</i>				
Book and Stationery Stores,	P	P	P	C ⁷
Apparel Stores, Florists,	P	P	P	C ⁷
Antique Stores, Sporting Good Stores	P	P	P	C ⁷
Jewelry Stores,	P	P	P	C ⁷
Second Hand and Resale Stores,	P	P	P	C ⁷
Specialty Gift Stores,	P	P	P	C ⁷
Retail Variety Stores, and	P	P	P	C ⁷
Floor Coverings.	P	P	P	C ⁷
Media Stores	P ⁴	P ⁴	P ⁴	C ⁷
Sexually Oriented Businesses <i>Including:</i>				
Adult Arcades,	P ⁵	P ⁵	P ⁵	-
Adult Cabarets,	P ⁵	P ⁵	P ⁵	-
Adult Media Stores,	P ⁵	P ⁵	P ⁵	-
Adult Novelty Stores, ⁶	P ⁵	P ⁵	P ⁵	-
Adult Motion Picture Theaters,	P ⁵	P ⁵	P ⁵	-
Adult Theaters,	P ⁵	P ⁵	P ⁵	-
Nude Model Studios,	P ⁵	P ⁵	P ⁵	-
Sexual Encounter Centers,	P ⁵	P ⁵	P ⁵	-
Any combination of above.	P ⁵	P ⁵	P ⁵	-
Service Retail, <i>Including:</i>				
Printing Services,	C ²	P	P	C ^{2, 7}
Shoe Repair,	C ²	P	P	C ^{2, 7}

Photographic Studios,	C ²	P	P	C ^{2,7}
Tailoring, Dress Making and	C ²	P	P	C ^{2,7}
Dry Cleaning,	C ²	P	P	C ^{2,7}
Upholstery.	C ²	P	P	C ^{2,7}
Convenience Retail, Including:				
Bakeries, Grocery,	P	P	P	C ⁷
Supermarkets,	P	P	P	C ⁷
Beverage Stores including	P	P	P	C ⁷
Liquor, Film/Video Rental, and Drug Stores.	P	P	P	C ⁷

Hard Goods Retail Including:				
Automotive Part and Supplies,	-	P	P	C ⁷
Furniture Sales,	-	P	P	C ⁷
Hardware and Locksmith Services,	-	P	P	C ⁷
Garden Supplies, Nurseries,	-	P	P	C ⁷
Lumber and Building Supplies,	-	P	P	C ⁷
Appliance Repair and Sales, and	-	P	P	C ⁷
Display and Showrooms for any	-	P	P	C ⁷
Building Product.	-	P	P	C ⁷
Personal Care Services Including:				
Barber and Beauty Shops,	C ²	P	P	C ^{2,7}
Cosmetology and Cosmetic Salons,	C ²	P	P	C ^{2,7}
Diet Counseling Centers,	C ²	P	P	C ^{2,7}
Electrolysis Services,	C ²	P	P	C ^{2,7}
Fingernail and Tanning Salons, and	C ²	P	P	C ^{2,7}
Massotherapy Services.	C ²	P	P	C ^{2,7}
OTHER RETAIL/SERVICES Including:				
Animal Clinics/Hospitals,	-	C	P	C ⁷
Veterinarian Offices, and	-	C	P	C ⁷
Grooming Services.	-	C	P	C ⁷
LAUNDROMAT	-	P	P	C ⁷
STORAGE WHOLESALE/UTILITY Including:				

Warehousing,	-	-	C	-
Wholesale Trade Operations,	-	-	C	-
Self-Storage Facility.	-	-	C	-
AUTOMOTIVE SERVICES				
Gasoline Service Station	-	C	P	-
Motor Vehicle Sales and Leasing	-	C	P	-
Motor Vehicle Repair Shop	-	C	C	-
Motor Vehicle Rental or Leasing Agency	C	C	C	-
Motor Vehicle Washing/Detailing Facility	-	C	C	-

INDUSTRIAL <i>Including:</i>				
Manufacturing, Processing,	-	-	C	-
Assembly, and/or Packaging Plant.	-	-	C	-
Light Industrial (as above, no more than 1,000 sq.ft. or five [5] employees.)	-	C	P	-
DRIVE-THROUGH FACILITY	C	C	C	-

1 As regulated by Chapter 1127.

2 Use is limited to the ground floor of the structure.

3 Permitted only as an accessory use and limited to the ground floor level.

4 Reference Sections 1103.02(o), 1103.02(tt) and 1103.02(uu), and Section 1129.15 herein.

5 As regulated by Chapter 1163 and Chapter 777.

6 Reference Section 1103.02(i), or Chapter 1163.

7 Use shall be limited to Detroit Avenue and/or Madison Avenue as regulated by Chapters 1156 and 1161.

8 Reference Sections 1129.17 and 1161.03(y).

is hereby repealed, and new Schedule 1129.02, Permitted Uses in Commercial Districts, is hereby enacted to read as follows:

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS				
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
RESIDENTIAL				
Single-Family/Two-Family Dwellings	-	-	-	C
Multi-Family Dwellings	-	C ¹	C ¹	C ¹

Mixed Use Structure	P	P	P	C ⁷
Hotels/Motels	-	-	P	C ⁷
Groups/Convalescent/Nursing/Assisted Living	C	C	P	C ⁷
Day-Care Centers (6+ children)	P	P	P	C ⁷
Bed and Breakfast Establishment	C	C	C	C
INSTITUTIONAL				
Funeral Homes	-	C	P	C ⁷
Places of Worship	C	C	C	C ⁷
Elementary/Secondary Schools	P	P	P	C
Trade/Vocational Schools	-	C	P	C ⁷
Colleges	C	P	P	C ⁷
Libraries	C	P	P	C ⁷
Hospitals	C	C	P	C ⁷
Public Parks and Playgrounds	C	C	C	C ⁷
Parking Facility as a Principal Use	P	P	P	C ⁷
ENTERTAINMENT				
Indoor Commercial Recreation	-	C	P	C ⁷
Theaters, Banquet Hall, Party Center	-	C	P	C ⁷
Studios for Instruction	-	P	P	C ⁷
Fraternal Organizations	-	C	P	C ⁷
Museum/Art Gallery	P	P	P	C ⁷
Auditorium	-	C	P	C ⁷
FOOD AND BEVERAGE SERVICES				
Restaurant seated Table Service	P ²	P	P	C ⁷
Restaurants – Fast Food	C ²	P	P	C ²
Bar, Tavern, Nightclub	C ²	P	P	C ²
Outdoor/Seasonal Dining Facility	C ³	C ³	C ³	C ^{3, 7}
PROFESSIONAL SERVICES				
Offices <i>Including:</i>				
Business, Medical, and Government	P	P	P	C ⁷
Medical Clinics/Urgent Care Facility	C	C	P	C ⁷
Radio/TV/Video/Audio Production	C	C	P	C ⁷

RETAIL/SERVICE USES				
General Retail <i>Including:</i>				
Book and Stationery Stores,	P	P	P	C ⁷
Apparel Stores, Florists,	P	P	P	C ⁷
Antique Stores, Sporting Good Stores	P	P	P	C ⁷
Jewelry Stores,	P	P	P	C ⁷
Second Hand and Resale Stores,	P	P	P	C ⁷
Specialty Gift Stores,	P	P	P	C ⁷
Retail Variety Stores, and	P	P	P	C ⁷
Floor Coverings.	P	P	P	C ⁷
Media Stores	P ⁴	P ⁴	P ⁴	C ⁷
Sexually Oriented Businesses <i>Including:</i>				
Adult Arcades,	P ⁵	P ⁵	P ⁵	-
Adult Cabarets,	P ⁵	P ⁵	P ⁵	-
Adult Media Stores,	P ⁵	P ⁵	P ⁵	-
Adult Novelty Stores, ⁶	P ⁵	P ⁵	P ⁵	-
Adult Motion Picture Theaters,	P ⁵	P ⁵	P ⁵	-
Adult Theaters,	P ⁵	P ⁵	P ⁵	-
Nude Model Studios,	P ⁵	P ⁵	P ⁵	-
Sexual Encounter Centers,	P ⁵	P ⁵	P ⁵	-
Any combination of above.	P ⁵	P ⁵	P ⁵	-
Service Retail, <i>Including:</i>				
Printing Services,	C ²	P	P	C ^{2, 7}
Shoe Repair,	C ²	P	P	C ^{2, 7}
Photographic Studios,	C ²	P	P	C ^{2, 7}
Tailoring, Dress Making and	C ²	P	P	C ^{2, 7}
Dry Cleaning,	C ²	P	P	C ^{2, 7}
Upholstery.	C ²	P	P	C ^{2, 7}
Convenience Retail, <i>Including:</i>				
Bakeries, Grocery,	P	P	P	C ⁷
Supermarkets,	P	P	P	C ⁷
Beverage Stores including	P	P	P	C ⁷
Liquor, Film/Video Rental, and Drug	P	P	P	C ⁷

Stores.				
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Hard Goods Retail Including:				
Automotive Part and Supplies,	-	P	P	C ⁷
Furniture Sales,	-	P	P	C ⁷
Hardware and Locksmith Services,	-	P	P	C ⁷
Garden Supplies, Nurseries,	-	P	P	C ⁷
Lumber and Building Supplies,	-	P	P	C ⁷
Appliance Repair and Sales, and	-	P	P	C ⁷
Display and Showrooms for any	-	P	P	C ⁷
Building Product.	-	P	P	C ⁷
Personal Care Services Including:				
Barber and Beauty Shops,	C ²	P	P	C ^{2,7}
Cosmetology and Cosmetic Salons,	C ²	P	P	C ^{2,7}
Diet Counseling Centers,	C ²	P	P	C ^{2,7}
Electrolysis Services,	C ²	P	P	C ^{2,7}
Fingernail and Tanning Salons, and	C ²	P	P	C ^{2,7}
Massotherapy Services.	C ²	P	P	C ^{2,7}
OTHER RETAIL/SERVICES Including:				
Animal Clinics/Hospitals,	-	C	P	C ⁷
Veterinarian Offices, and	-	C	P	C ⁷
Grooming Services.	-	C	P	C ⁷
<u>Medical Marijuana Dispensaries</u>	<u>C²</u>	<u>C²</u>	<u>C²</u>	-
LAUNDROMAT	-	P	P	C ⁷
STORAGE WHOLESALE/UTILITY Including:				
Warehousing,	-	-	C	-
Wholesale Trade Operations,	-	-	C	-
Self-Storage Facility.	-	-	C	-
AUTOMOTIVE SERVICES				
Gasoline Service Station	-	C	P	-
Motor Vehicle Sales and Leasing	-	C	P	-
Motor Vehicle Repair Shop	-	C	C	-
Motor Vehicle Rental or Leasing	C	C	C	-

Agency				
Motor Vehicle Washing/Detailing Facility	-	C	C	-

INDUSTRIAL <i>Including:</i>				
Manufacturing, Processing,	-	-	C	-
Assembly, and/or Packaging Plant.	-	-	C	-
Light Industrial (as above, no more than 1,000 sq.ft. or five [5] employees.)	-	C	P	-
DRIVE-THROUGH FACILITY	C	C	C	-

- 1 As regulated by Chapter 1127.
- 2 Use is limited to the ground floor of the structure.
- 3 Permitted only as an accessory use and limited to the ground floor level.
- 4 Reference Sections 1103.02(o), 1103.02(tt) and 1103.02(uu), and Section 1129.15 herein.
- 5 As regulated by Chapter 1163 and Chapter 777.
- 6 Reference Section 1103.02(i), or Chapter 1163.
- 7 Use shall be limited to Detroit Avenue and/or Madison Avenue as regulated by Chapters 1156 and 1161.
- 8 Reference Sections 1129.17 and 1161.03(y).
- 9 As regulated by Chapter 1165 and Chapter 779.**

Section 2. New Chapter 779, Medical Marijuana Operations, shall be enacted to read as follows:

CHAPTER 779

Medical Marijuana Operations

- 779.01 Purpose.
- 779.02 Definitions.
- 779.03 Applicability.
- 779.04 Prohibition on certain medical marijuana operations.
- 779.05 Medical marijuana dispensary license required.
- 779.06 Medical marijuana dispensary license application.
- 779.07 Issuance of medical marijuana dispensary license.
- 779.08 Fees.
- 779.09 Inspection.
- 779.10 Expiration and renewal of license.
- 779.11 License suspension.
- 779.12 License revocation.
- 779.13 Appeal rights.
- 779.14 Transfer of license.
- 779.15 Regulations pertaining to the operation of medical marijuana dispensaries.
- 779.16 Loitering and exterior lighting and monitoring requirements.
- 779.17 Injunction.
- 779.18 Effect of partial invalidity.
- 779.19 Change in information.

779.99 Penalty.

779.01 PURPOSE.

The purposes of this chapter are to establish limitations on medical marijuana operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of medical marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

779.02 DEFINITIONS.

For purposes of this chapter,

- (a) "Medical marijuana" shall have the same meaning as in R.C. 3796.01.
- (b) "School," "church," "public library," "public playground," and "public park" shall have the same meanings as in R.C. 3796.30.
- (c) "Disqualifying offense," "cultivator," "processor" and "dispensary" shall have the same meanings as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.
- (d) "Licensee" means, with respect to a medical marijuana dispensary license issued under this chapter, a person in whose name a license to operate a medical marijuana dispensary has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the medical marijuana dispensary.
- (e) "Operate" means to control or hold primary responsibility for the operation of a medical marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation. Operator means any persons on the premises of a medical marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a medical marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operation or causing to be operated a medical marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.
- (f) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- (g) "Transfer of ownership or control" of a medical marijuana dispensary shall mean any of the following:
 - (1) The sale, lease, or sublease of the business;
 - (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or

other operation of law upon the death of the person possessing the ownership or control.

(h) "Director" shall mean the Director of Public Safety, "Commissioner" shall mean the Building Commissioner, and "Chief" shall mean the Chief of Police of the City.

779.03 APPLICABILITY.

Businesses subject to this chapter are medical marijuana cultivators, processors and dispensaries.

779.04 PROHIBITION ON CERTAIN MEDICAL MARIJUANA OPERATIONS.

(a) No person shall operate a medical marijuana cultivator or processor in the City.

(b) Any person who violates this section shall be guilty of a misdemeanor of the first degree.

779.05 MEDICAL MARIJUANA DISPENSARY LICENSE REQUIRED.

(a) No person shall operate a medical marijuana dispensary without a valid medical marijuana dispensary license issued by the City pursuant to this chapter.

(b) Any person who violates subsection (a) of this section shall be guilty of a misdemeanor of the first degree.

779.06 MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATION.

(a) An application for a medical marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter.

(b) An application for a medical marijuana dispensary license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than 50 percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed medical marijuana dispensary or greater ownership interest in the corporation.

(3) If the business entity is owned by a limited liability company, each member of the limited liability company, and any person who will be principally responsible for the operation of the proposed medical marijuana dispensary on behalf of the limited liability company.

(4) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed medical marijuana dispensary.

(c) An application for a medical marijuana dispensary license must designate one or more individuals to be principally responsible for the operation of the proposed medical marijuana dispensary, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed medical marijuana dispensary on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this chapter, and shall be considered a licensee if a license is granted.

(d) An application for a medical marijuana dispensary license shall be completed according to the instructions of the application form, which shall require the following:

(1) If the applicant is:

A. An individual, state the legal name and any aliases of such individual;

B. A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

C. A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

D. A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.

E. A limited liability company, state the complete name of the limited liability company and the date of its organization, provide evidence that the company is in good standing under the laws of its state of organization, and state the names of all members, the name of the registered statutory agent, and the address of the registered office for service of process.

(2) If the applicant intends to operate the medical marijuana dispensary under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

(3) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof, has been convicted of a disqualifying offense, and if so, the specified offense and the date, place, and jurisdiction of each such conviction.

(4) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof, has had a previous license under this chapter or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the medical marijuana dispensary for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, director or 10 percent or greater owner of a corporation licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(5) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof, holds any other licenses under this chapter or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

(6) State the location of the proposed medical marijuana dispensary, including a legal description of the property, street address, and telephone number(s), if any.

(7) State the mailing address and residential address of each applicant and each person signing the application.

(8) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy under the provisions of R.C. Chapter 3796 and the regulations promulgated thereunder, or evidence that the applicant has made application for such a license or provisional license to the state board of pharmacy.

(9) Submit a security plan for review and approval by the Chief. The security plan shall be on a form or in a manner prescribed by the Chief and shall include, at a minimum, a lighting plan that identifies how the interior, façade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and an identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours. The security plan should address the applicant's use of off-street parking and proposed use of armed security guards, video surveillance and door, building and parking lot security as appropriate. The applicant shall supply all additional information requested by the Chief necessary for the Chief to evaluate the security plan.

(10) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

(11) Submit proof that each applicant who is a natural person is at least 18 years old.

(12) Submit a sketch or diagram showing the configuration of the premises of the medical marijuana dispensary. The diagram shall also designate the place at which the dispensary license will be conspicuously posted, if issued. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

779.07 ISSUANCE OF MEDICAL MARIJUANA DISPENSARY LICENSE.

(a) Within five days of receipt of an application for a medical marijuana dispensary license, the Director shall notify the Commissioner and the Chief of such application. In making such notification, the Director shall request that the Chief promptly investigate the information provided in the application and shall request that the Chief and Commissioner promptly inspect the premises for which the medical marijuana dispensary license is sought in order to assess compliance with the regulations under their respective jurisdictions.

(b) The Chief and the Commissioner shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the Director. The Chief and Commissioner shall provide the results of their investigations, including written certifications of whether the premises and applicants are in compliance with the laws and regulations under their respective jurisdictions, to the Director, in writing, within 60 days of receipt of notice of the application.

(c) The Commissioner's inspection of the premises for which a medical marijuana dispensary license is sought shall include an investigation as to whether the premises are in compliance with the Ohio Basic Building Code, the Lakewood Zoning Code, the Lakewood Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within 90 days after receipt of a completed medical marijuana dispensary license application, the Director shall approve or deny the issuance of a license. The Director shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings is true:

(1) An applicant who is a natural person is under 18 years of age.

(2) An applicant has failed to provide information reasonably necessary for issuance of the license as requested on the application form, or has falsely answered a question or request for information on the application form.

(3) A person identified in the application pursuant to Section 779.06(b) or Section 779.06(c) of this chapter has been denied a license to operate a medical marijuana dispensary or has had a license to operate a medical marijuana dispensary revoked within the preceding 12 months by any jurisdiction.

(4) A person identified in the application pursuant to Section 779.06(b) or Section 779.06(c) of this chapter has been convicted of a disqualifying offense.

(5) The proposed medical marijuana dispensary would violate or fail to be in compliance with any provisions of the Lakewood Zoning Code, Property Maintenance Code or General Offenses Code, or state statute or regulation.

(6) The application and investigation fee or a prior license fee required by this chapter has not been paid in full.

(7) An applicant is in violation of or in not in compliance with any provision of this chapter, except as provided in subsection (e)(1) of this section.

(e) If the Director determines that one or both of the following findings is true, the license issued pursuant to subsection (d) of this section shall contain a re-

quirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

(1) The results of inspections of the premises by the Chief or the Commissioner indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions, including the provisions of this chapter related to characteristics of the physical premises. This subsection shall not apply to premises that are in violation of any law or regulation that is identified or referenced in subsections (d)(1) through (d)(7) hereof.

(2) An applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

(f) If the Director determines that no other grounds for denial of a license exist under subsection (d) hereof, the Director shall not delay approval of the application past the end of the 90-day period provided in this section solely because the Chief has not provided the Director with the results of his inspection of the premises; the results of the Commissioner's inspection of the premises are not available; or the Chief has not completed his investigation of the criminal background of the applicant(s). If, after approving the issuance of a license, the Director receives information from his investigation which he determines constitutes grounds for denial of a license under subsection (d) hereof, then the medical marijuana dispensary license issued pursuant to this subsection (f) hereof shall be immediately revoked. If after approving the issuance of a license, the Director receives information concerning the results of inspections of the premises by the Chief, or the Commissioner's inspection, which the Director determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under subsection (e) hereof, then a requirement shall be added to the terms of the medical marijuana dispensary licenses issued pursuant to this subsection (f) hereof to correct all deficiencies noted within 120 days of the date such requirement is added.

(g) A medical marijuana dispensary license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the licensed medical marijuana dispensary. All medical marijuana dispensary licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(h) The Director shall advise the applicant in writing of the reasons for any license denial.

779.08 FEES.

(a) Every application for a new medical marijuana dispensary license shall be accompanied by a \$350.00 non-refundable application and investigation fee.

(b) Every application for renewal of a medical marijuana dispensary license shall be accompanied by a \$250.00 non-refundable application and investigation fee.

(c) In addition to the application and investigation fee required in subsection (a) or (b) hereof, every applicant that is granted a medical marijuana dispensary license (new or renewal) shall pay to the City an annual, non-prorated license fee in the amount of \$25,000.00 upon license issuance or renewal, plus an amount equaling 1.5 percent of the licensee's gross annual sales from the dispensary to

which the license applies above the amount of \$1,250,000.00, which the licensee shall calculate at the expiration of the license or renewal term using sales figures from the licensee's state-mandated reporting or recordkeeping forms, and which the licensee shall pay to the City within 60 days of the expiration of any term (new or renewal) of the license. The \$25,000.00 license fee may be refunded only if the applicant does not receive a license issued by the state board of pharmacy for a period covering any portion of the term of the license issued by the City. The licensee shall give the Director or his or her designee(s) an opportunity to review the data and basis upon which the licensee has calculated fees due under this section.

779.09 INSPECTION.

(a) The Division of Police and Commissioner shall, from time to time, inspect each medical marijuana dispensary licensed under the provisions of this chapter that is open to the public in order to assess compliance with the provisions of this chapter.

(b) An applicant or licensee shall permit the Commissioner or designees and the Chief or designees, as well as representatives of other city departments and divisions, to inspect a medical marijuana dispensary that is open to the public for the purpose of insuring compliance with the law, during times that it is occupied or open for business.

(c) An applicant or licensee shall subject the application to denial or the license to revocation if he or she refuses to permit such lawful inspection of the premises.

779.10 EXPIRATION AND RENEWAL OF LICENSE.

(a) Each license issued pursuant to this chapter shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than 90 days and no fewer than 30 days before the expiration date. If application is made fewer than 30 days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(b) An application for renewal of a medical marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The renewal application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to Section 779.06 of this chapter. The completed renewal application shall be accompanied by copies of any document or material submitted in connection with the initial license application that has been revised or requires revision to reflect any change in circumstances or conditions.

Sketches or diagrams and security plans submitted with an initial medical marijuana dispensary license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram and security plan still depict the premises and plan accurately.

(c) The Director shall make determinations concerning the approval of license renewals based on the same criteria used to evaluate applications for new licenses under Section 779.07 of this chapter.

(d) The Director shall advise the applicant in writing of the reason(s) for any denial of a license renewal.

(e) When the City denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. If the City finds, subsequent to denial, that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the denial was issued.

779.11 LICENSE SUSPENSION.

(a) The City shall suspend a medical marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee:

(1) Has violated or is not in compliance with any section of this chapter; or

(2) Has authorized or approved an employee's violation of or failure to comply with any section of this chapter, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary has allowed an employee to violate or fail to comply with any section of this chapter.

(b) The City shall suspend a medical marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee or his employee or agent has refused to allow an inspection of the licensed medical marijuana dispensary premises as authorized by this chapter.

(c) The Director shall advise the licensee in writing of the reason(s) for any suspension.

779.12 LICENSE REVOCATION.

(a) The City shall revoke a medical marijuana dispensary license if a cause of suspension under Section 779.11 of this chapter occurs and the license has been suspended two times within the preceding 12 months.

(b) The City shall revoke a medical marijuana dispensary license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) The licensee(s) failed to comply with any requirement stated in the license, pursuant to Section 779.07(g) of this chapter, to correct specified deficiencies within 120 days;

(3) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary employee, a licensee has allowed, possession, use, or sale of controlled substances (except medical marijuana) on the premises;

(4) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary employee, a licensee has allowed the commission of a felony on the premises;

(5) A licensee operated the medical marijuana dispensary during a period of time when the licensee knew or reasonably should have known that the licensee's license was suspended, or when the licensee no longer maintained a dispensary license issued by the state board of pharmacy;

(6) A licensee has been convicted of a specified criminal activity, as defined in Section 779.02 of this chapter, during the term of the license; or

(7) A licensee is delinquent in payment to the City, County, or State for any taxes or fees past due that were assessed or imposed in relation to any business.

(c) The Director shall advise the licensee in writing of the reason(s) for any revocation.

(d) When the City revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

779.13 APPEAL RIGHTS.

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Lakewood Board of Zoning Appeals by written notice within 10 days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Board of Zoning Appeals must hold a hearing on the appeal within 30 days and must issue a decision affirming or reversing the denial, suspension, or revocation within five days after the hearing.

(b) Any decision by the Board of Zoning Appeals shall be a final appealable order and the applicant or licensee may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(c) Any licensee lawfully operating a medical marijuana dispensary prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this chapter to the Board of Zoning Appeals or to a court.

(d) In the event that an applicant for a new medical marijuana dispensary license seeks judicial review of the denial of a new license, there shall be no automatic stay of the denial.

779.14 TRANSFER OF LICENSE.

A medical marijuana dispensary license is not transferable from one licensee to another or from one location to another without the express written permission of the Director. Any purported transfer of a medical marijuana dispensary license without the express written permission of the Director shall automatically and immediately revoke that license. Notwithstanding anything in this chapter

to the contrary, a license transferee shall assume all responsibilities of the license transferor under this chapter and all applicable code.

779.15 REGULATIONS PERTAINING TO THE OPERATION OF MEDICAL MARIJUANA DISPENSARIES.

(a) No person may operate or cause to be operated a medical marijuana dispensary without complying with the following requirements:

(1) The medical marijuana dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state.

(2) The parcel upon which the dispensary is operated shall not at the time the original dispensary license is issued be located within 500 feet from any parcel on which sits a school, church, public library, public playground or public park.

(3) Consultations by clinical nurse specialists, certified nurse practitioners, physicians or physician assistants shall not be permitted at a dispensary, unless the patron already has a recommendation for medical marijuana prior to entering the dispensary.

(4) Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.

(5) The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

(6) The use of any vending machine which allows access to medical marijuana is prohibited. For purposes of this subsection (a)(6), a vending machine is any device which allows access to medical marijuana without a human intermediary.

(7) The premises of every medical marijuana dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five foot-candles as measured at floor level.

(8) No medical marijuana dispensary shall be operated in any manner that permits the observation from outside the premises of any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.

(9) Any material change to information provided in the licensee's application including, but not limited to, changes to the security plan must be promptly communicated, in writing, to the Director.

(10) If, at any time, the licensee is subject to any enforcement action by the state, the licensee shall immediately notify the Director and shall provide any relevant information or documentation requested by the Director.

(11) If, at any time, the licensee has a reasonable belief that an actual loss, theft or diversion of medical marijuana or currency worth or amounting to more than \$100.00 has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than 24 hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates subsection (a) hereof, or any person who operates a medical marijuana dispensary and permits a violation of subsection (a) hereof on the premises, shall be guilty of a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of subsection (a) hereof, a violation of subsection (a) of this section will be considered a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of subsection (a) of this section, a violation of subsection (a) hereof will be considered a misdemeanor of the first degree.

779.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

(a) It shall be the duty of the operator of a medical marijuana dispensary to:

(1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the medical marijuana dispensary is located;

(2) Post conspicuous signs stating that no loitering is permitted on such property;

(3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and

(4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

779.17 INJUNCTION.

Any person who operates or causes to be operated a medical marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City.

779.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

779.19 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any medical marijuana dispensary license, the applicant or licensee shall promptly notify the Director in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the medical marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur.

779.99 PENALTY.

- (a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 501.99 of the Codified Ordinances of the City of Lakewood.
- (b) Each day that a medical marijuana dispensary operates in violation of this chapter is a separate offense or violation.

Section 3. New Chapter 1165, Medical Marijuana Dispensaries, shall be enacted to read as follows:

CHAPTER 1165
Medical Marijuana Dispensaries

- 1165.01 Purpose.
- 1165.02 Definitions.
- 1165.03 Location of medical marijuana dispensaries.
- 1165.04 Design guidelines for medical marijuana dispensaries.
- 1165.05 Off-street parking.
- 1165.06 Sign regulations for medical marijuana dispensaries.
- 1165.07 Licensing.
- 1165.08 Hearing; renewal; revocation.
- 1165.09 Severability.

1165.01 PURPOSE.

It is the purpose of this chapter to regulate medical marijuana dispensaries in order to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of medical marijuana dispensaries within the City.

1165.02 DEFINITIONS.

For purposes of this chapter,

- (a) "Medical marijuana" shall have the same meaning as in R.C. 3796.01.
- (b) "School," "church," "public library," "public playground," and "public park" shall have the same meanings as in R.C. 3796.30.
- (c) "Dispensary" shall have the same meaning as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.
- (d) "Licensee" means a person in whose name a license to operate a medical marijuana dispensary has been issued under Chapter 77, as well as the individual(s) designated on the license application as principally responsible for the operation of the medical marijuana dispensary.
- (e) "Operate" means to control or hold primary responsibility for the operation of a medical marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in opera-

tion. Operator means any persons on the premises of a medical marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a medical marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operation or causing to be operated a medical marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.

(f) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(g) "Director" shall mean the Director of Planning and Development.

1165.03 LOCATION OF MEDICAL MARIJUANA DISPENSARIES.

(a) Medical marijuana dispensaries may be located only in a C1 Office, C2 Retail, and C3 General Business Districts as a conditionally permitted use pursuant to Section 1129.02 and Chapter 1161 and in accordance with the restrictions contained in this chapter.

(b) No medical marijuana dispensaries may be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.

(c) No medical marijuana dispensary may be established, operated or enlarged within 1,000 feet of another medical marijuana dispensary.

(d) Not more than one medical marijuana dispensary shall be established or operated in the same building, structure, or portion thereof.

(e) For the purpose of subsections (b) and (c) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a medical marijuana dispensary is conducted, to the nearest property line of the premises of a medical marijuana dispensary or a school, church, public library, public playground, or public park.

1165.04 DESIGN GUIDELINES FOR MEDICAL MARIJUANA DISPENSARIES.

(a) Parking for a medical marijuana dispensary shall be configured so as to prevent vehicular headlights from shining into adjacent residentially zoned and/or used property. Parking areas configured such that vehicular headlights are directed toward public rights-of-way across from residentially zoned and/or used property shall provide continuous screening and shall conform to the design requirements set forth in Chapter 1325 of the Building Code and be approved by the Architectural Board of Review. Landscaping and screening shall be continuously maintained and promptly restored, if necessary, pursuant to Chapter 1141.

(b) Ingress and egress drives and primary circulation lanes shall be located away from residential areas where practical to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas.

(c) All building entrances intended to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned and/or used

property, whenever possible, to minimize the potential for patrons to congregate and create noise which may become a nuisance to adjacent residential areas.

(d) All exterior site and building lighting, which shall be provided, must be approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential.

(e) Any medical marijuana dispensary adjacent to a residential district and/or use shall contain a minimum six-foot-high solid fence along such abutting property lines and be approved by the Architectural Board of Review pursuant to Chapter 1325.

(f) Rules, regulations and local permitting requirements imposed on a licensee by the City shall be interpreted in all instances to conform to the state licensing requirements for dispensaries, but in the event the City's rules, regulations and permitting requirements impose a greater obligation on a licensee than the state licensing requirements, the local provisions shall be enforced.

(g) Applicants must meet any additional criteria and fulfill any additional requirements associated with obtaining a conditional use permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.

1165.05 OFF-STREET PARKING.

Off-Street parking for a medical marijuana dispensary shall be provided, pursuant to Chapter 1143, except that the Commission may require an off-street parking plan.

1165.06 SIGN REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES.

(a) All signs for a medical marijuana dispensary shall be awning signs, wall signs or window signs as defined in Section 1329.03(c) of the Building Code and shall be constructed and located in conformance with all applicable provisions of Chapter 1329 of the Building Code.

(b) All signs for a medical marijuana dispensary shall be maintained in accordance with Section 1329.13 of the Building Code and may be ordered to be removed in accordance with the provisions of that Section.

(c) No merchandise or pictures of the products on the premises of a medical marijuana dispensary shall be displayed on signs, in window areas or any area where they can be viewed from the sidewalk or street in front of the building. No sign shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.

(d) Window areas of a medical marijuana dispensary shall not be covered or made opaque in any way. A one-square-foot sign shall be placed on the door to state hours of operation. Additional signage to conform to the requirements Section 779.16 may be permitted.

1165.07 LICENSING.

Medical marijuana dispensaries as described in Section 1165.03 herein shall be licensed and operated pursuant to Chapter 779.

1165.08 HEARING; RENEWAL; REVOCATION.

(a) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit application for a medical marijuana dispensary shall be heard by the Planning Commission and, if approved, shall expire at the expiration of the medical marijuana dispensary license pursuant to Section 779.10(a). Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations have been determined. Violations may include, for example, legitimate loitering complaints, excessive police calls to the immediate vicinity, noise complaints, non-compliance with the terms of the conditional use permit, or non-compliance with other applicable state or local regulation. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.

(b) Determination of administrative renewal is at the discretion of the Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit.

(c) The conditional use permit for a medical marijuana dispensary is non-transferable.

(d) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit granted for a medical marijuana dispensary may be revoked by the Planning Commission after referral to the Planning Commission by the Director and after a public hearing on whether violations have occurred or the spirit and intent of the conditional use permit has not been met. Notice of such hearing shall be sent to the licensee and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested.

1165.09 SEVERABILITY.

If any section, subsection, or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



GTI Ohio Lakewood Conditional Use Permit Presentation

OUR MISSION.

We're committed to progressing positive social change and providing dignified access to safe and quality cannabis nationwide, while giving back to the communities we call home.



GTI

WE ARE A TEAM OF COMMUNITY-MINDED + EXPERIENCED BUSINESS PROFESSIONALS



MAKING AN IMPACT WHERE IT MATTERS.

Beyond millions of dollars in charitable giving, the GTI team has invested time participating in and advocating on behalf of a number of organizations dedicated to improving opportunities for the homeless + impoverished communities.

GTI'S FOUNDING MEMBERS HAVE ACCOMPLISHED:



Generated \$10M across 30+ organizations benefitting 85,000 children



Secured jobs for thousands of homeless individuals



Advocated + fundraised for organizations combating life-altering ailments



Created not-for-profits serving individuals with disabilities

COMMUNITY-MINDED



BUSINESS PROFESSIONALS

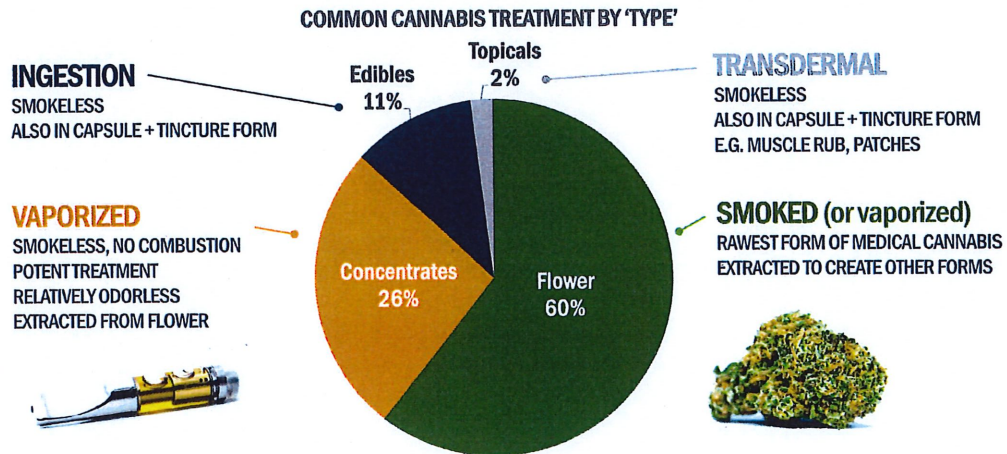


GTI

CANNABIS QUICK FACTS

GTI

INNOVATION IN 'SMOKELESS' CANNABIS GIVES PATIENTS ALTERNATIVE OPTIONS



GTI

YOUR COMMUNITY

GTI



THE OHIO MEDICAL MARIJUANA CONTROL PROGRAM AT A GLANCE

**A HIGHLY REGULATED +
MONITORED SYSTEM**

STATE OF OHIO BOARD OF PHARMACY +
DEPARTMENT OF COMMERCE



WHO CAN OBTAIN MEDICAL CANNABIS?

Any qualified patient or caregiver
(21+) who are Ohio residents with a
recommendation from a physician
certified to recommend by the
State Medical Board of Ohio

21 QUALIFYING CONDITIONS

CHRONIC PAIN

HIV/AIDS
Alzheimer's
Cancer
CTE (brain trauma)
Epilepsy
Fibromyalgia
MS
Glaucoma
ALS
IBS

Crohn's Disease
Seizures Disorders
Hepatitis C
Parkinson's
PTSD
Sickle Cell Anemia
Spinal Cord Injury
Tourette's
Brain Injury
Ulcerative Colitis

PROJECTED START OF OHIO MEDICAL MARKET

Q3 2018

WHERE CAN PATIENTS USE MEDICAL CANNABIS?



CONSUMPTION IS **NOT**
PERMITTED IN PUBLIC +
SHOULD BE USED
RESPONSIBLY AT HOME.

WHAT TYPES OF MEDICAL CANNABIS WILL BE AVAILABLE?

VIABLE PRODUCT FORMATS

- ✓ Capsules + Pills
- ✓ Oils + Liquids + Tinctures
- ✓ Topicals (Creams, Patches)
- ✓ Plant Material (smoking prohibited)
- ✓ Concentrates
- ✓ Edibles



FOR MORE INFORMATION, VISIT:
MEDICALMARIJUANA.OHIO.GOV

GTI



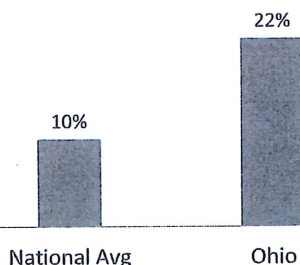
CANNABIS CAN BRING HOPE TO OHIO

+3,310

**NUMBER OF OPIOID-RELATED
OVERDOSES IN OHIO
2015**

Across Ohio, overdose
increases significantly
outpace the national
average, costing
Ohioans \$5.4 million
each day in medical
and work loss costs.

% INCREASE IN OPIOID OVERDOSES
2015 VS. 2014



JAMA
The Journal of the American Medical Association

≈ 25%

Decline in opioid-
related mortality rate

NATIONAL SURVEY ON
DRUG USE + HEALTH:

**12% REDUCED
CANNABIS USE
AMONG 12-17yrs**

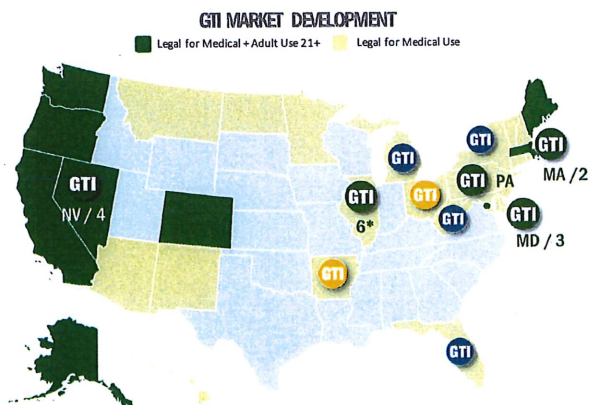
Since legalization in Colorado.

GTI

OUR APPROACH

GTI

WE OWN + OPERATE LICENSED CANNABIS FACILITIES NATIONWIDE.



NOW

GTI 19 ACTIVE LICENSES
in 5 highly regulated markets*

NEXT

GTI OH, AR
State applications submitted

UNDER REVIEW






GTI FL, WV, NY, MI
market research, due diligence

* Illinois operations are owned and controlled by
GTI Clinic IL, a separate, affiliated entity of GTII

PROPRIETARY AND CONFIDENTIAL

GTI

GTI IS DIVERSIFIED WITH OPERATIONS IN MULTIPLE STATES.

ILLINOIS* (Current Licenses)	NEVADA (Current Licenses)
 <ul style="list-style-type: none"> • 100,000 square feet of cultivation centers (Rock Island and Oglesby) • Dispensaries in Mundelein, Joliet, Naperville, Effingham • Significant market share in wholesale and retail 	 <ul style="list-style-type: none"> • 14,000 square foot cultivation center in Carson City • Production in Carson City • Dispensary in Carson City • Dispensary in Unincorporated Washoe County • Carson City Population: 54,000
MASSACHUSETTS (Current Licenses)	PENNSYLVANIA (Current Licenses)
 <ul style="list-style-type: none"> • Two cultivation and two dispensary licenses from Commonwealth of Massachusetts • Approval from Town of Amherst, MA and City of Holyoke, MA • Amherst Population: 33,000 	 <ul style="list-style-type: none"> • Won 1 of 12 cultivation licenses issued, earning the highest score in the State. • 59,500 square feet Cultivation facility • Located in Central PA (Danville) for optimal access to 12.8 million state population. • Won 3 dispensary licenses in Northwest region; highest score in the State.
MARYLAND (Current License)	
 <ul style="list-style-type: none"> • 2 Dispensary License in Bethesda and Silver Spring to open Q4 2017 • Processing facility approved; operations pending • Accretive acquisitions 	

* Illinois operations are owned and controlled by GTI Clinic IL, a separate, affiliated entity of GTI

PROPRIETARY AND CONFIDENTIAL

GTI



PARTNERING WITH OHIO

GTI'S POSITIVE-IMPACT COMMUNITY PLAN FOR ACTION + INVESTMENT

GTI'S FOUNDERS AND TEAM MEMBERS HAVE DECADES OF EXPERIENCE WORKING WITH COMMUNITY LEADERS ACROSS THE U.S. AND UNDERSTAND THE POSITIVE RIPPLE EFFECT THAT ACCOMPANIES JOB CREATION, CONSTRUCTION PROJECTS, AND FINANCIAL PARTNERSHIPS WITH LOCAL SUPPLIERS. GTI IS FOCUSED ON CREATING A SIMILAR IMPACT FOR COMMUNITIES IN OHIO.

MEDICAL ADVISORY BOARD

GTI has assembled a Medical Advisory Board comprised of highly experienced individuals with years of training in the areas that matter most to Ohio:

- ✓ **COLLABORATE** with its experienced Medical Advisory Board to educate patients and physicians on the safe access and consumption of medical marijuana;
- ✓ **WORK** with community leaders and substance abuse experts to help reduce opioid addiction in the state;
- ✓ **PARTICIPATE** in events to educate the community on how medical marijuana may help qualified patients; and
- ✓ **SERVE** underprivileged communities by working with dispensaries to develop a financial hardship program.

COMMUNITY ADVISORY BOARD

GTI collaborations with local, diverse organizations and key thought leaders to create jobs, infuse capital into the region, educate the community at large on the benefits of safe access to medical marijuana, and help combat the state's opioid epidemic to:

- ✓ **BUILD** an infrastructure to ensure ongoing understanding and support of the community;
- ✓ **SUPPORT** local organizations and non-profits through active participation, financial contributions and volunteer efforts;
- ✓ **ADVANCE** patient and physician education, and promote safe access to medical marijuana; and
- ✓ **WORK** with Ohio communities to meet the needs of residents.

GTI

LAKEWOOD IS OUR HOME

GTI

OFFSET AND ZONING REQUIREMENTS

GTI

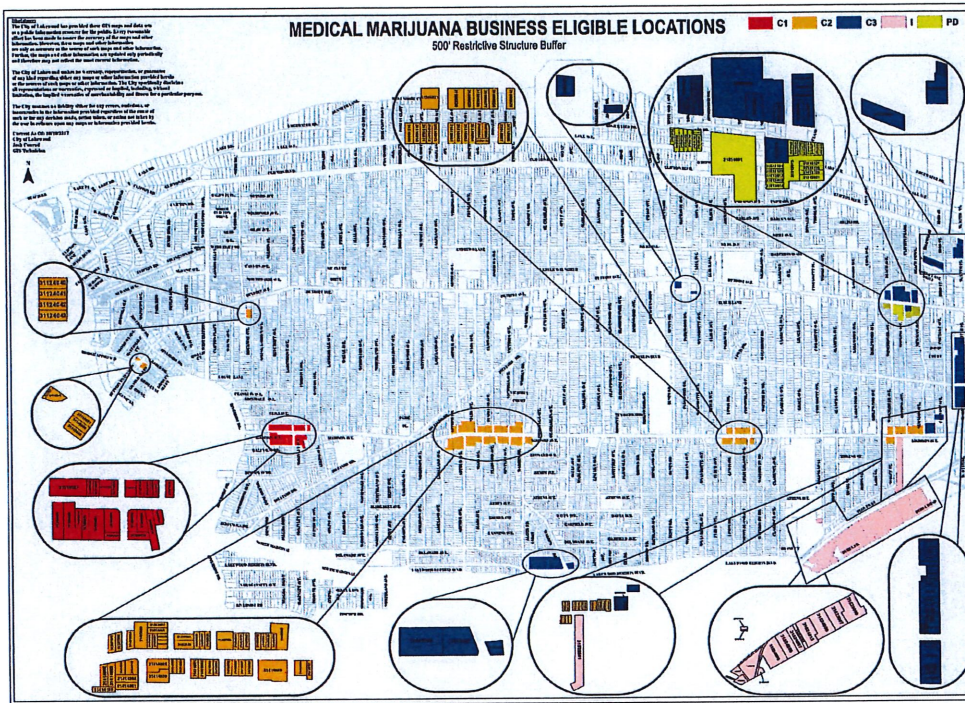
Under the provisions of **Lakewood Ordinance 1165.03** GTI Ohio LLC's proposal meets all expectations of the local code

GTI

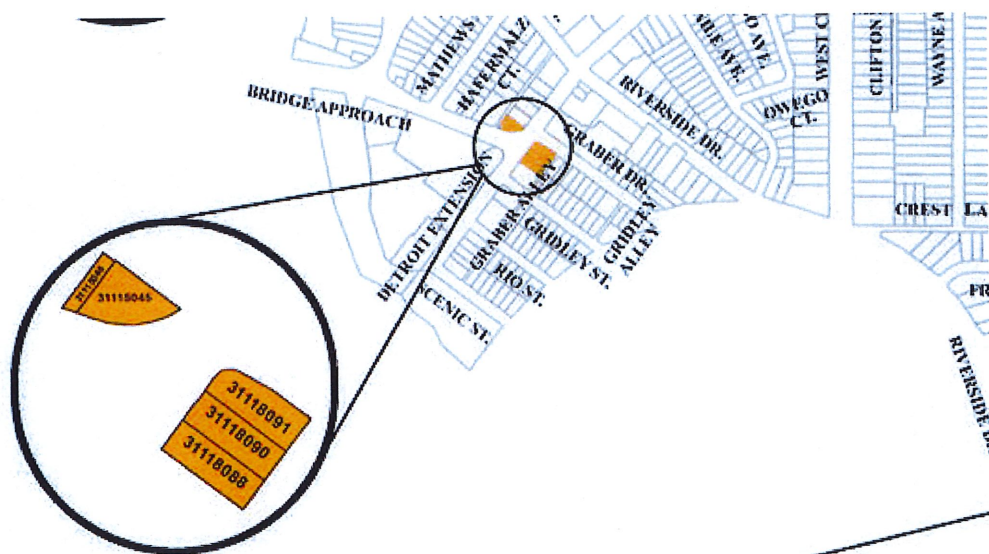
Lakewood Ordinance 1165.03(b)

No medical marijuana dispensaries may be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.

GTI



GTI



GTI

Zoning Map



GTI

SITE AND SITE PLAN

GTI



GTI



GTI

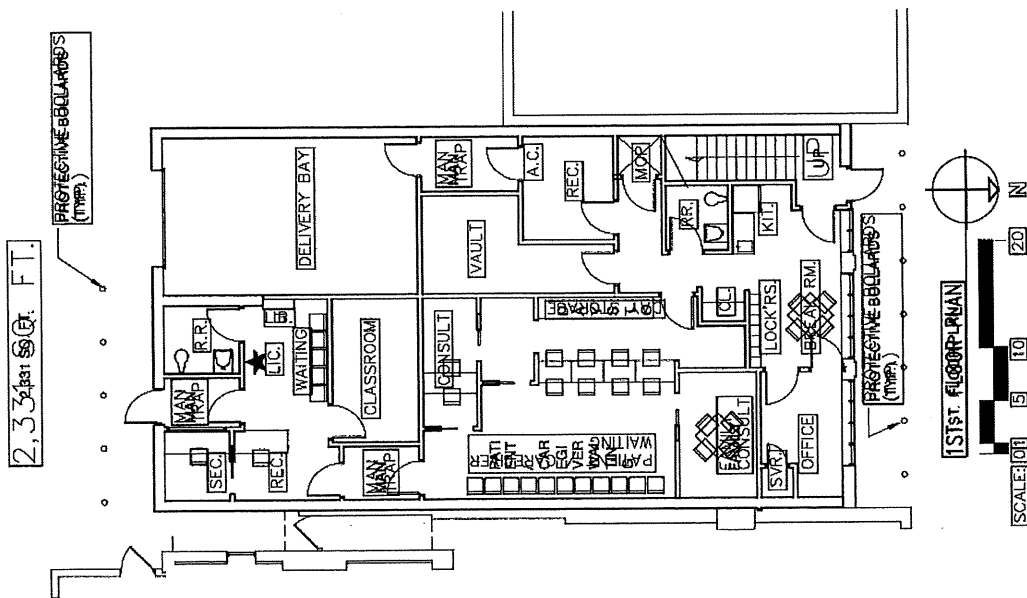


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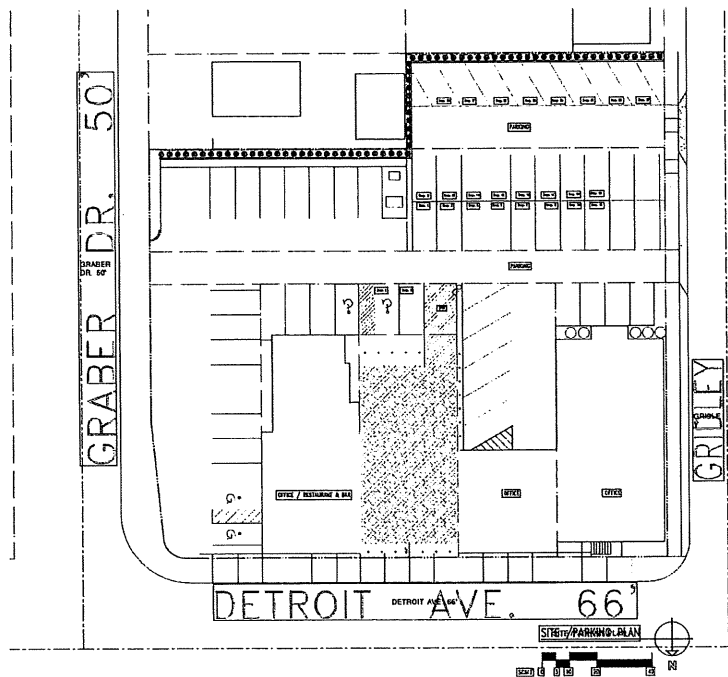


NORTH ELEVATION
1/8" = 1'-0"

GTI



GTI



FISCHER & ASSOCIATES
ARCHITECTS INC.
101 East High Street
Ann Arbor, MI 48106
Tel: (419) 261-1100
E-mail: andy@fisherarch.com

PROJECT: NEW BUILDING
DATE: 10/1/00
DRAWN BY: J. FISCHER
CHECKED BY: J. FISCHER
SCALE: 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

GTI

PATIENT-CENTRIC EXPERIENCE DELIVERS LEGENDARY CUSTOMER SERVICE



PHOTOS OF RISE CARSON CITY
DISPENSARY IN CARSON CITY, NV

BRIGHT + UPLIFTING

- ✓ Brightly lit
- ✓ Uplifting color and décor
- ✓ Private consulting stations
- ✓ Comfortable seating
- ✓ Patient-Centric Experience



GTI



PROPRIETARY AND CONFIDENTIAL

GTI

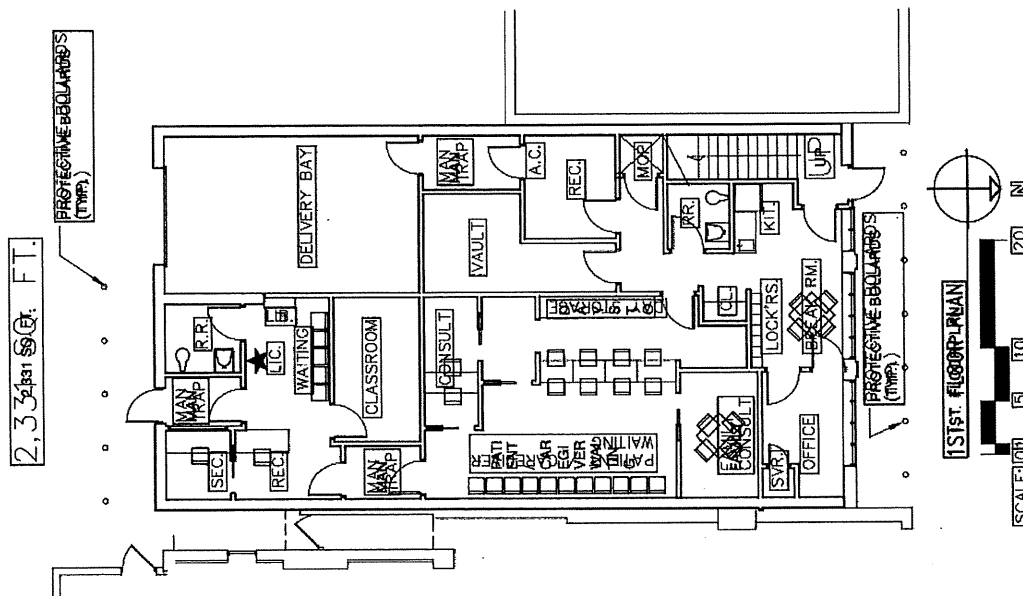


PROPRIETARY AND CONFIDENTIAL

GTI

SECURITY PLAN

GTI



- GTI Controls
 - o 19 Active Licenses in 5 Highly Regulated States
 - o 8 Operational Facilities in 2 Highly Regulated States

**Not a single security infraction or violation,
incident of robbery or theft, or even an
attempt at robbery or theft.**

GTI

GTI

Thank you. QUESTIONS?

For more information:

About Ohio Medical Marijuana Control Program | ohio.gov

About GTI | www.GTIgrows.com

GTI

8



**GTI Ohio
Lakewood Conditional
Use Permit Presentation**



Planning Commission
November 2, 2017



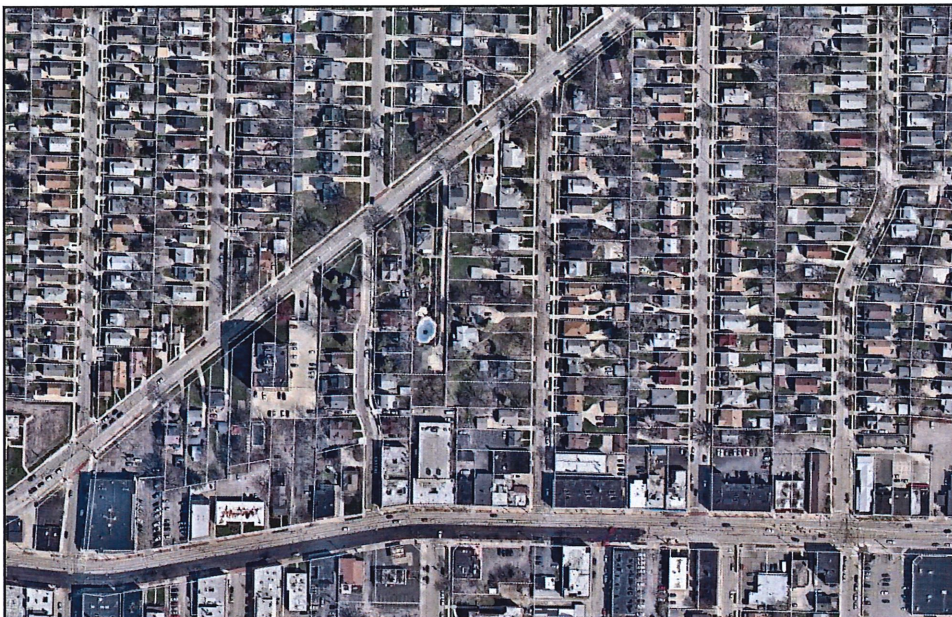
Light Up Lakewood
Outdoor Dining



Request

The review and approval of an exception to the Outdoor Dining Regulations in order to permit establishments with outdoor dining facilities within the event footprint to be open during Light Up Lakewood on December 2, 2017.

Light Up Lakewood
Outdoor Dining



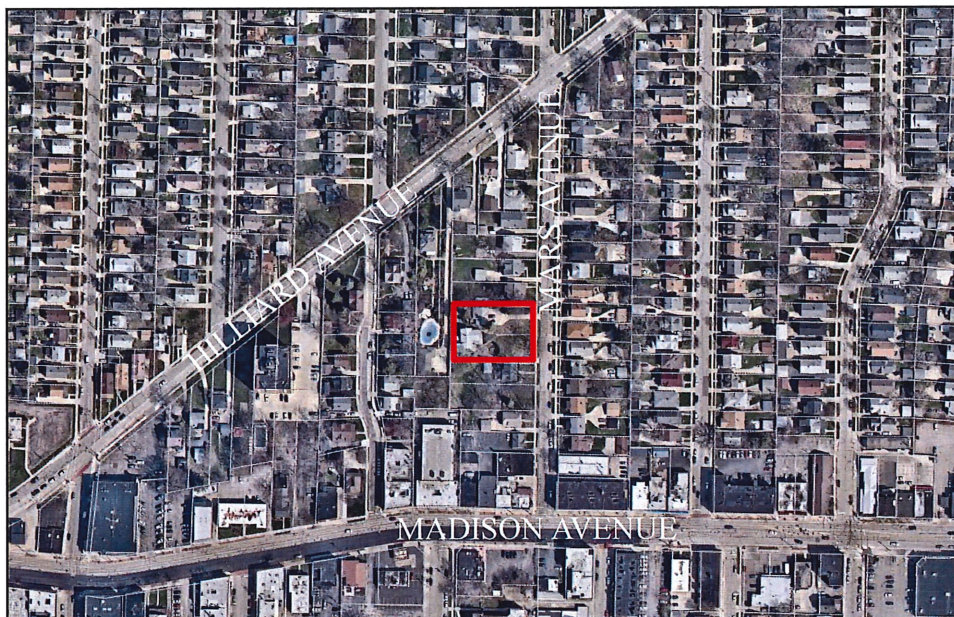
1636 Mars Avenue
Lot Split



Request

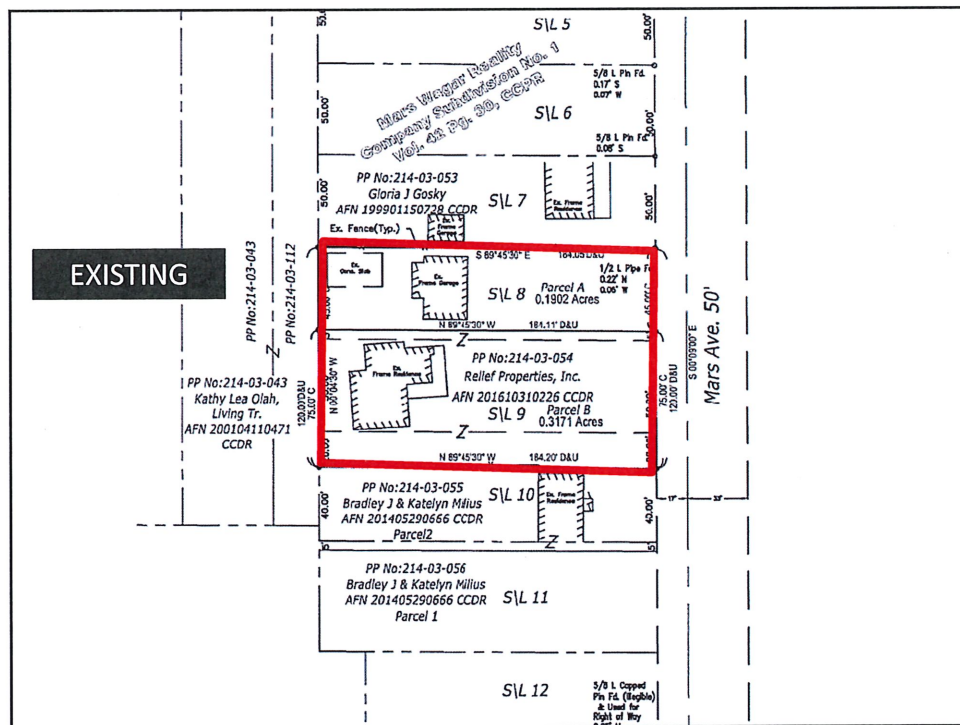
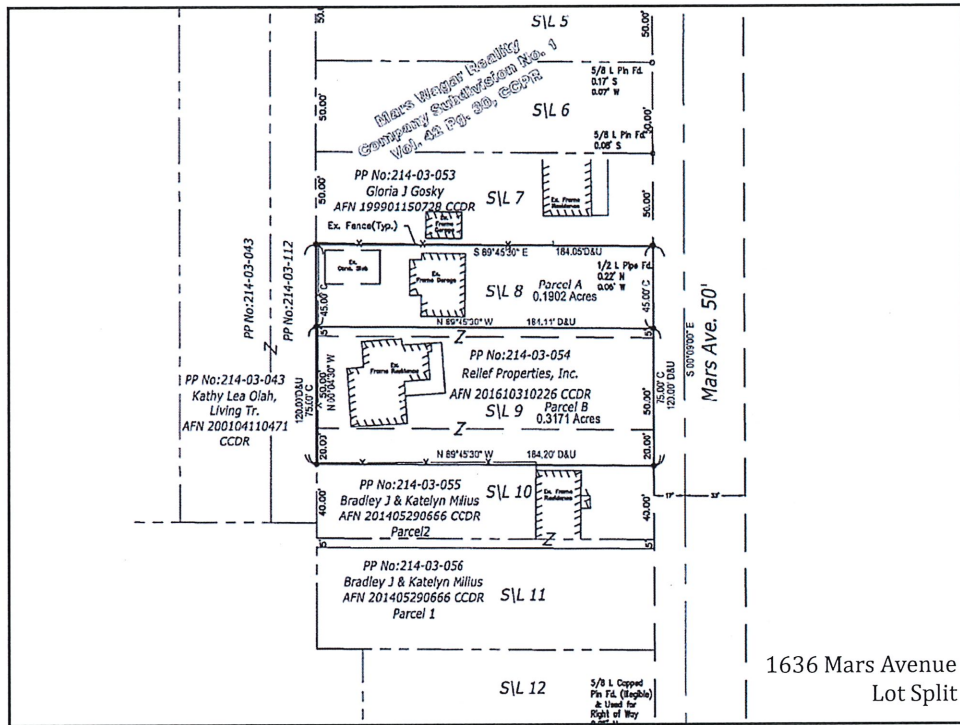
The review and approval of a lot split (PPN 314-03-054); the intent is to split the parcel into two in order to remove an existing garage and build a new single family home on one parcel and build a garage on the other parcel that has an existing home. The property is located in an R2 - Single and Two-Family Residential district.

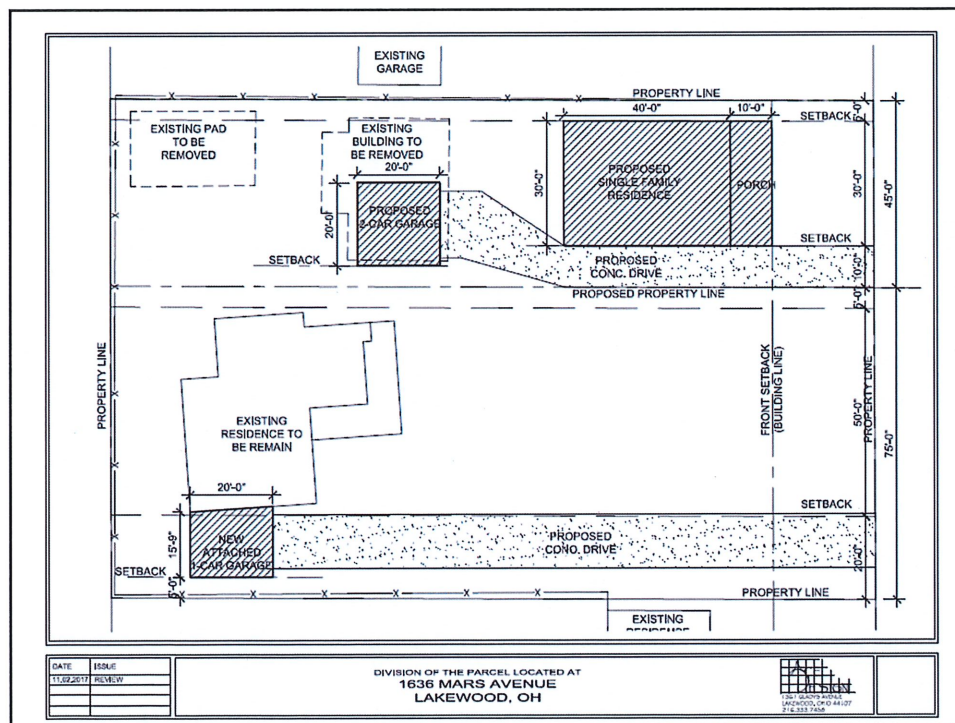
1636 Mars Avenue
Lot Split



1636 Mars Avenue
Lot Split







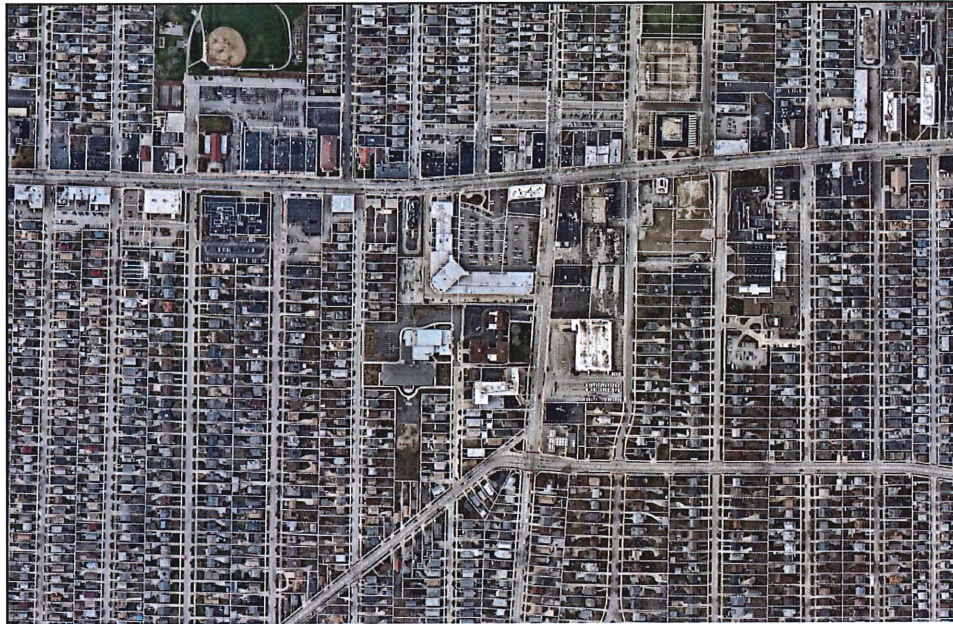




Request

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1636 Mars Avenue
Lot Split

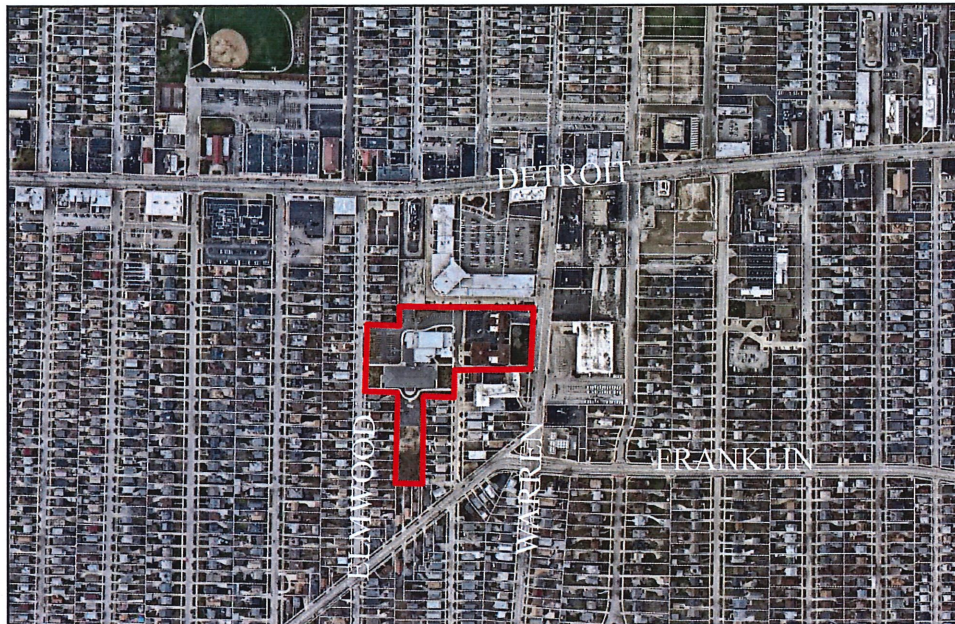


1470 Warren Road & 1470 Victoria Avenue
Lot Split

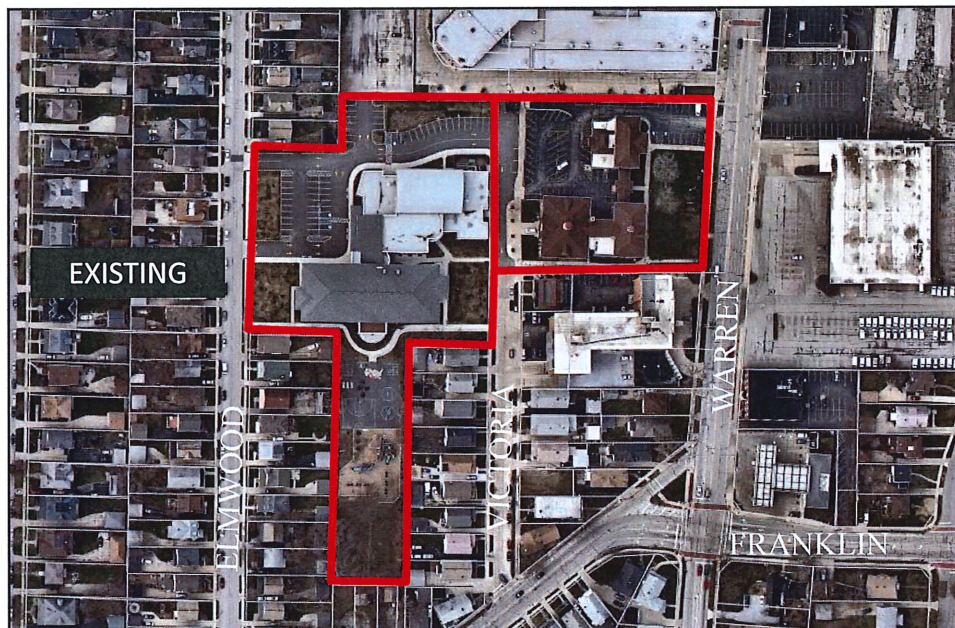
Request

The review and approval of a lot split of PPN 314-04-019 (Board of Education) and consolidation with PPN 314-02-003 (Grant Elementary School). The property is located in a C4 - Commercial, Public School district.

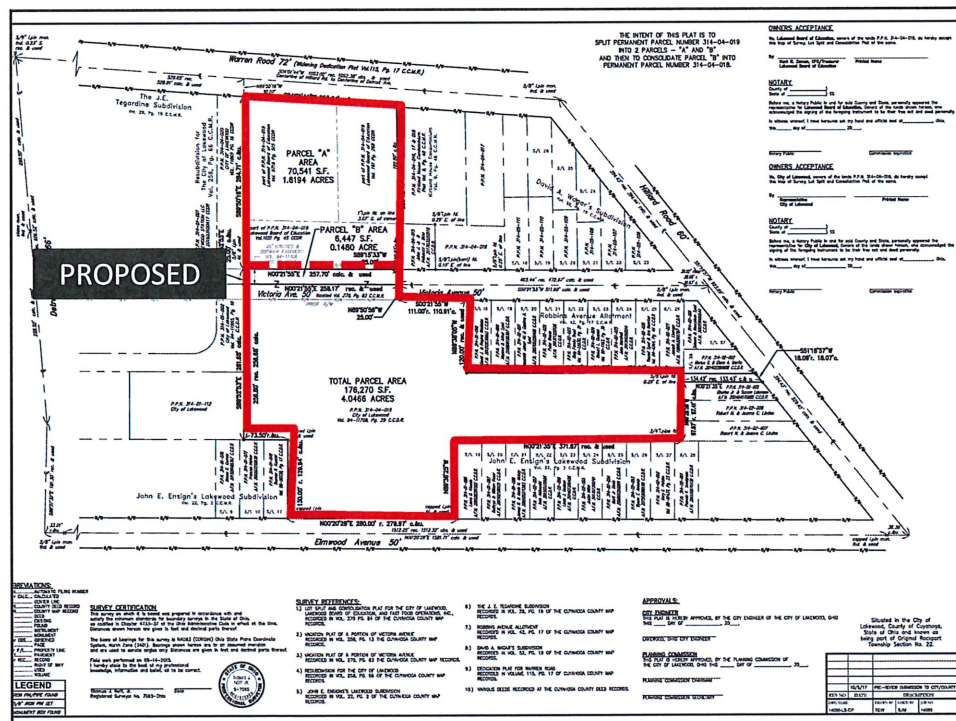
1470 Warren Road & 1470 Victoria Avenue
Lot Split

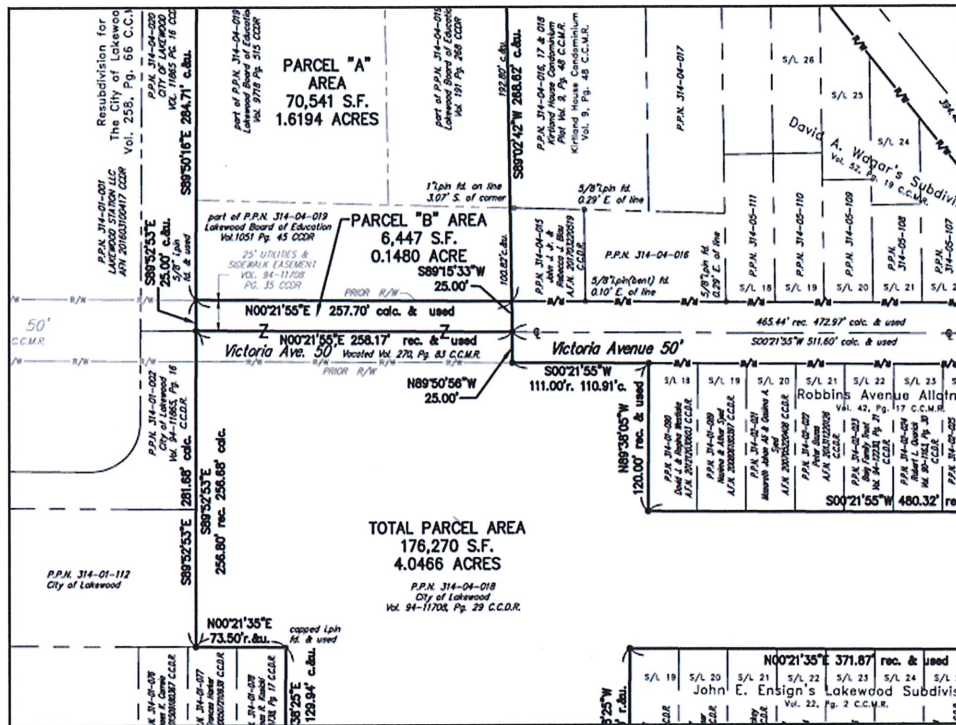


1470 Warren Road & 1470 Victoria Avenue
Lot Split



1470 Warren Road & 1470 Victoria Avenue
Lot Split









Request

The review and approval of a lot split of PPN 314-04-019 (Board of Education) and consolidation with PPN 314-02-003 (Grant Elementary School). The property is located in a C4 - Commercial, Public School district.

1470 Warren Road & 1470 Victoria Avenue
Lot Split



Request

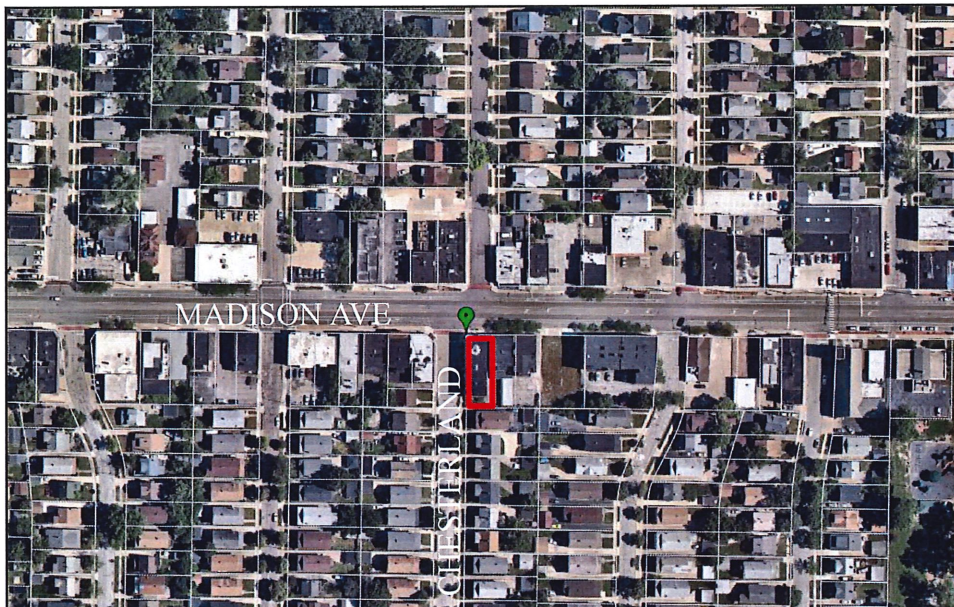
The review and approval of a Conditional Use in order to operate the Great Lakes Medicinal medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use

CHAPTER 1165

- Outside of 500' buffer zone.
- Not within 1,000' of another dispensary.
- 1165.05 Commission may require an off-street parking plan.

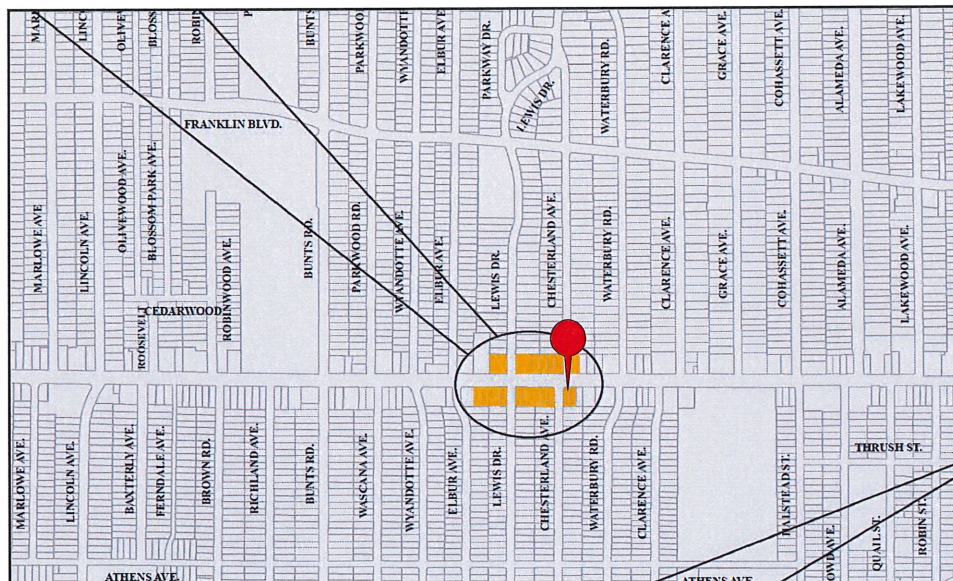
13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use



13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use



13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use



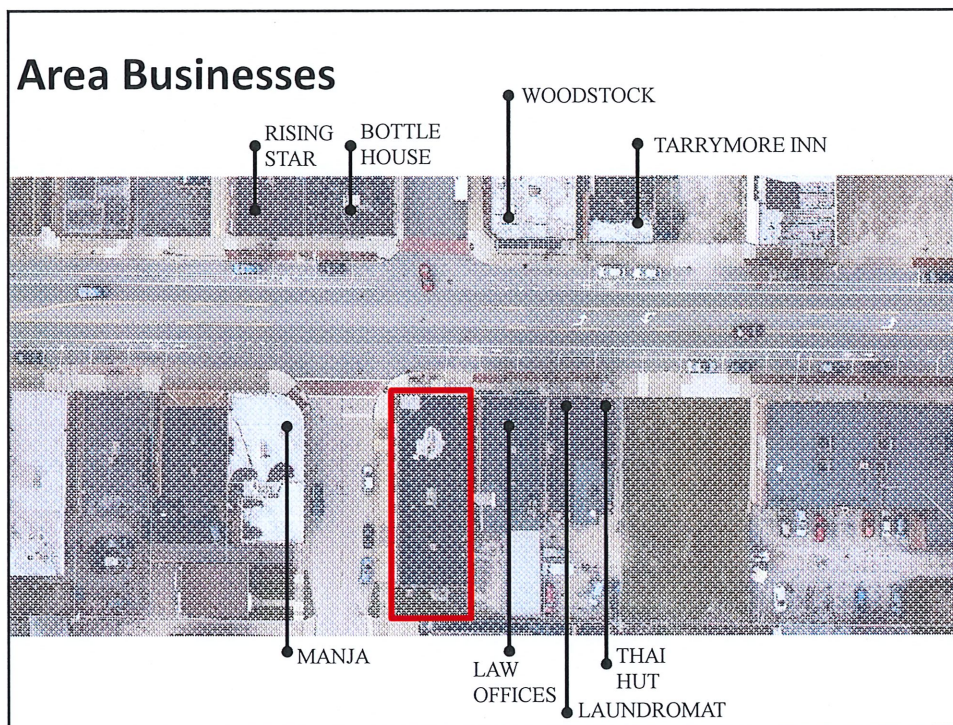
13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use





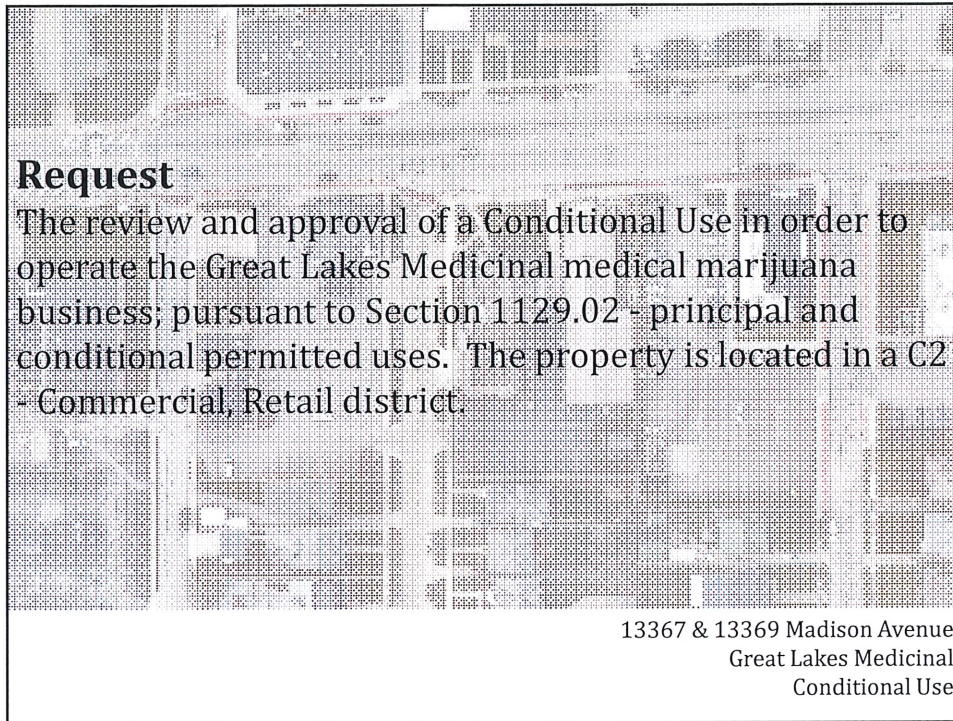






Area Street Parking





Request

The review and approval of a Conditional Use in order to operate the Great Lakes Medicinal medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use



18605 Detroit Road
GTI Ohio, LLC
Conditional Use



Request

The review and approval of a Conditional Use in order to operate the GTI Ohio medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

18605 Detroit Road
GTI Ohio, LLC
Conditional Use



CHAPTER 1165

- Outside of 500' buffer zone.
- Not within 1,000' of another dispensary.
- 1165.05 Commission may require an off-street parking plan.

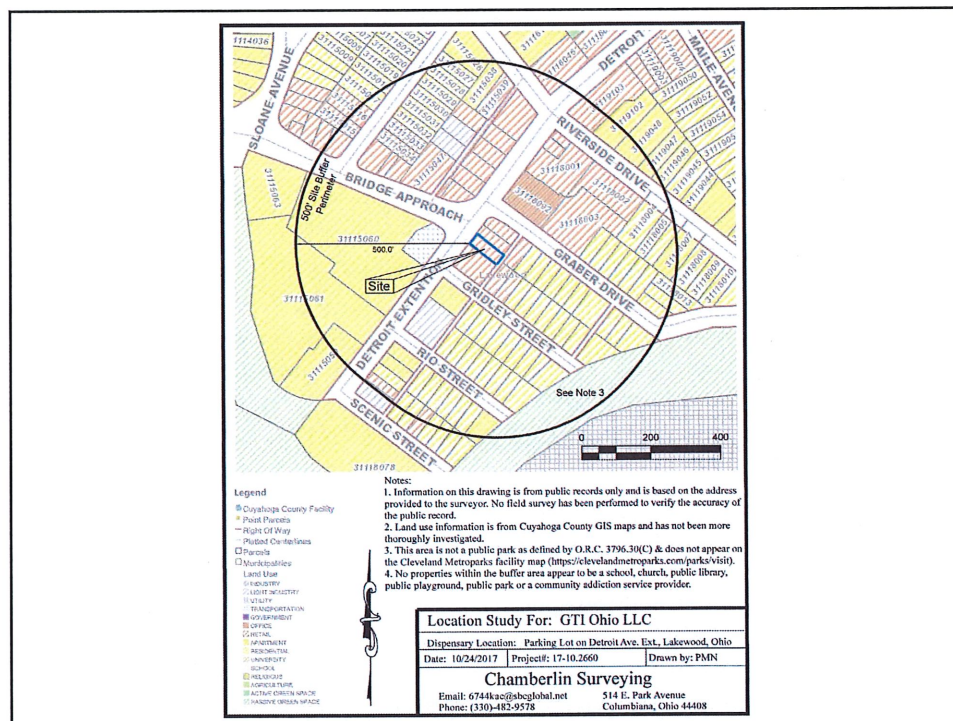
18605 Detroit Road
GTI Ohio, LLC
Conditional Use

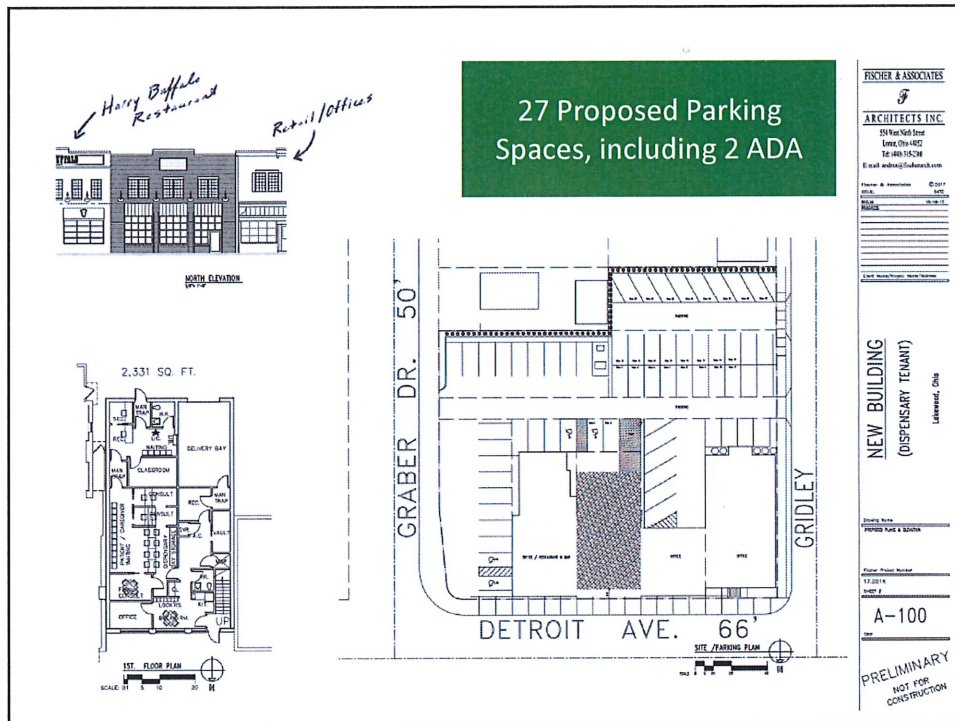


18605 Detroit Road
GTI Ohio, LLC
Conditional Use



18605 Detroit Road
GTI Ohio, LLC
Conditional Use





Parking Calculations:

Parking Spaces Owned: 74 spaces

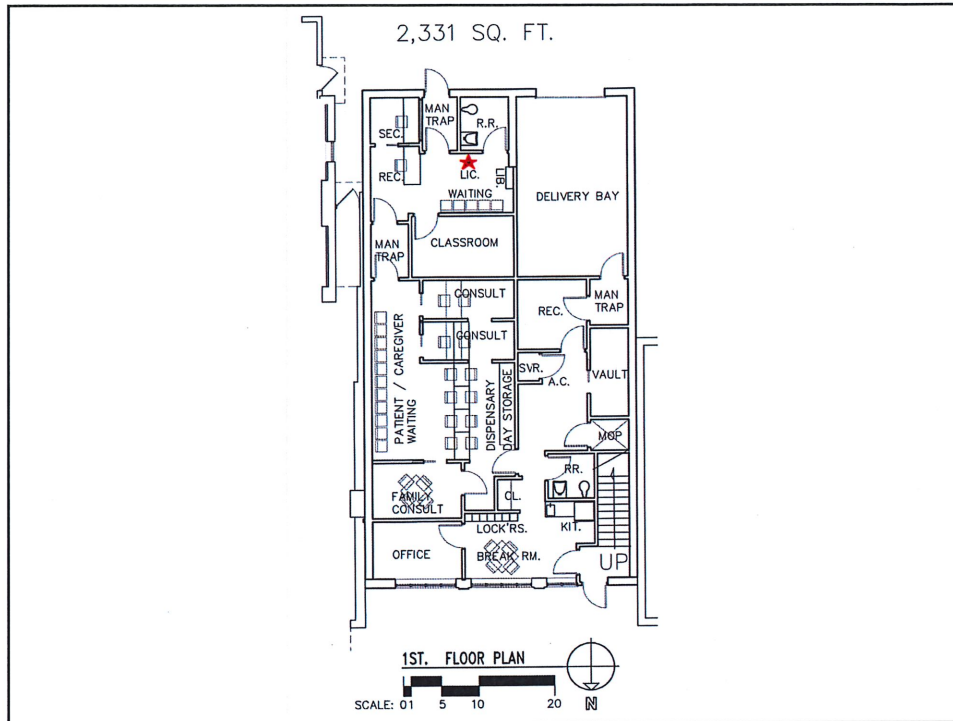
Parking Lost by Developing Addition: 6 spaces

Parking Required for all three buildings: 15 spaces

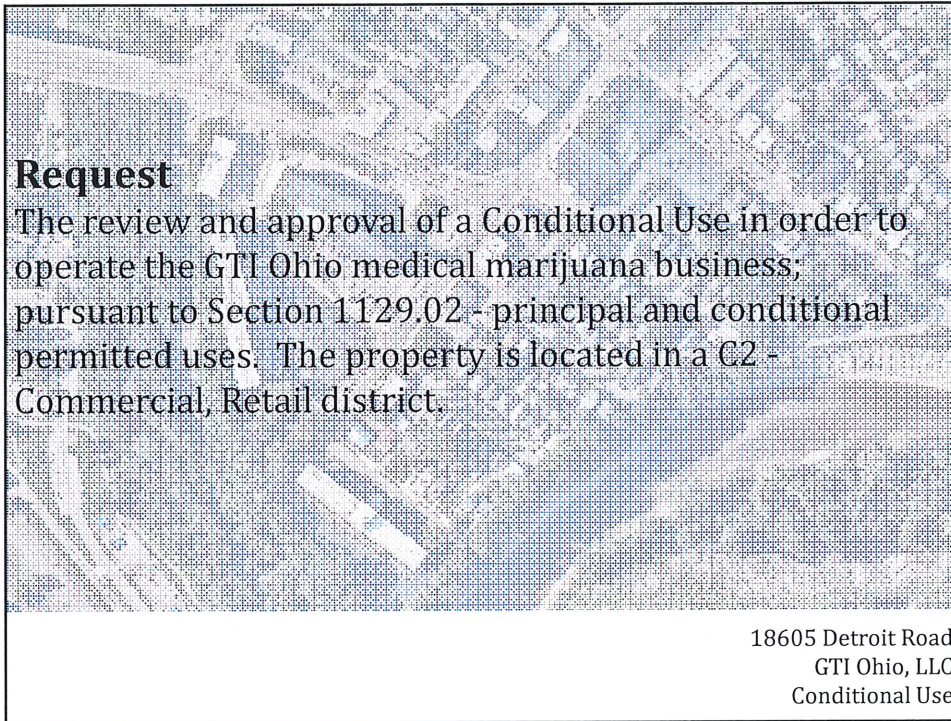
Parking for the dispensary as outlined on the plan 27 spaces including 2 ADA spaces.

Result:

More parking than City of Lakewood Planning and Zoning Code prescribes- *parking exceeds City of Lakewood standards.*









Request

The review and approval of a Conditional Use in order to operate the GTI Ohio medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

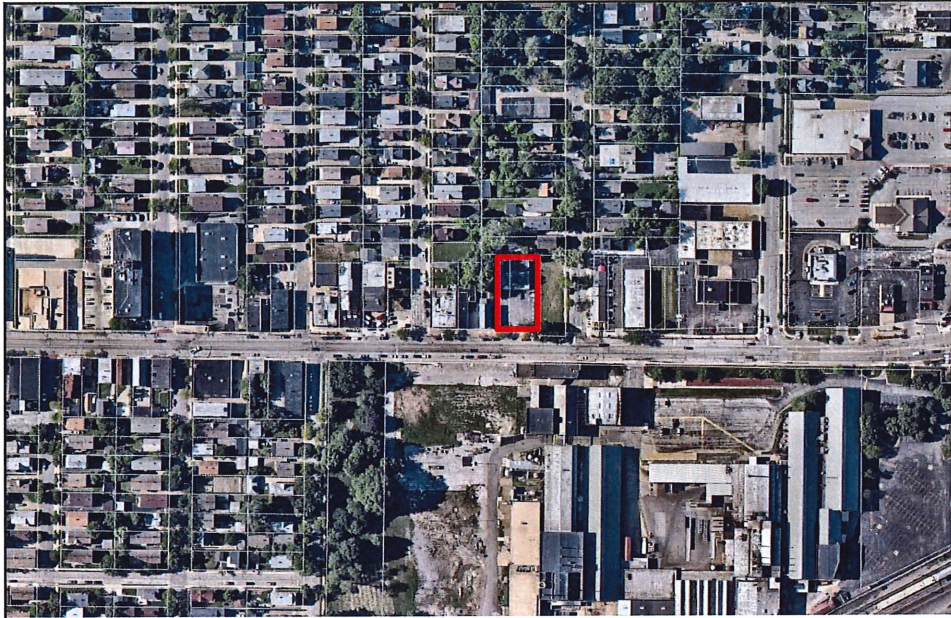
11906-11912 Madison Avenue
Infleursion, LLC
Conditional Use



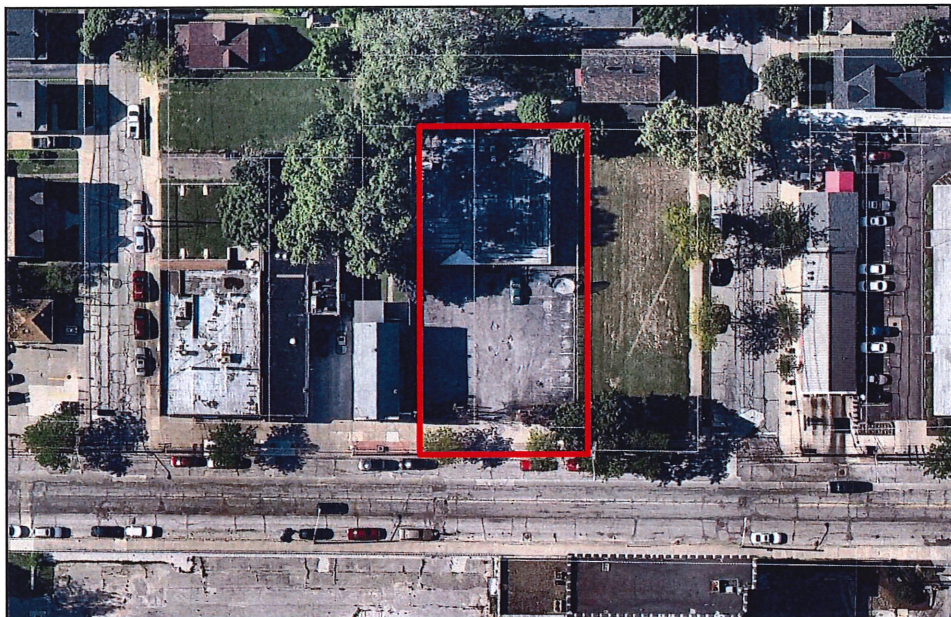
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- 1165.05 Commission may require an off-street parking plan.

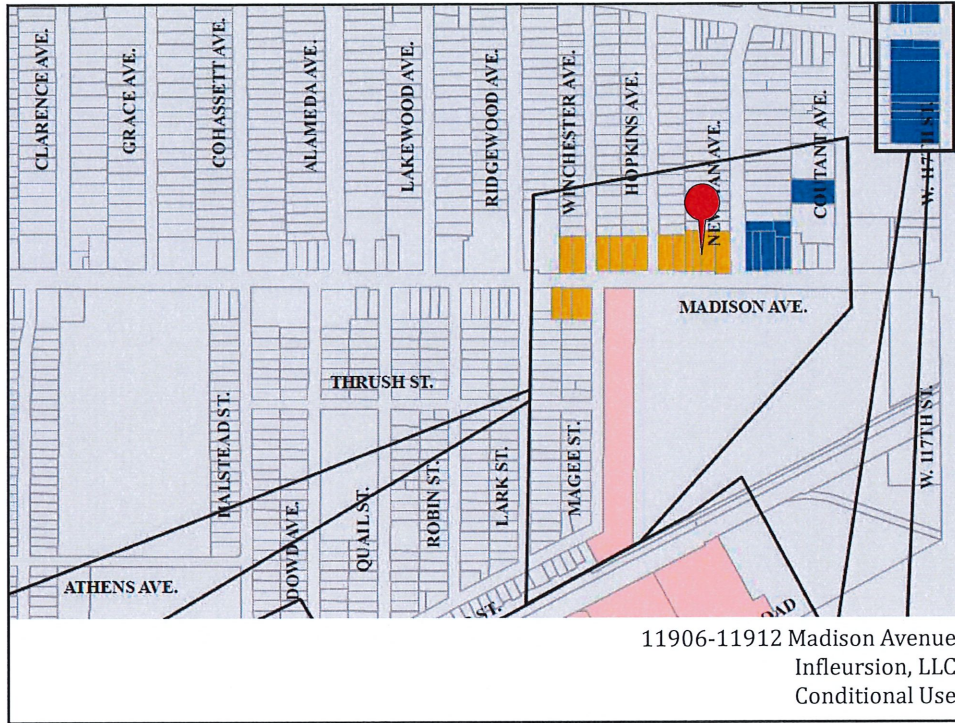
11906-11912 Madison Avenue
Infleursion, LLC
Conditional Use

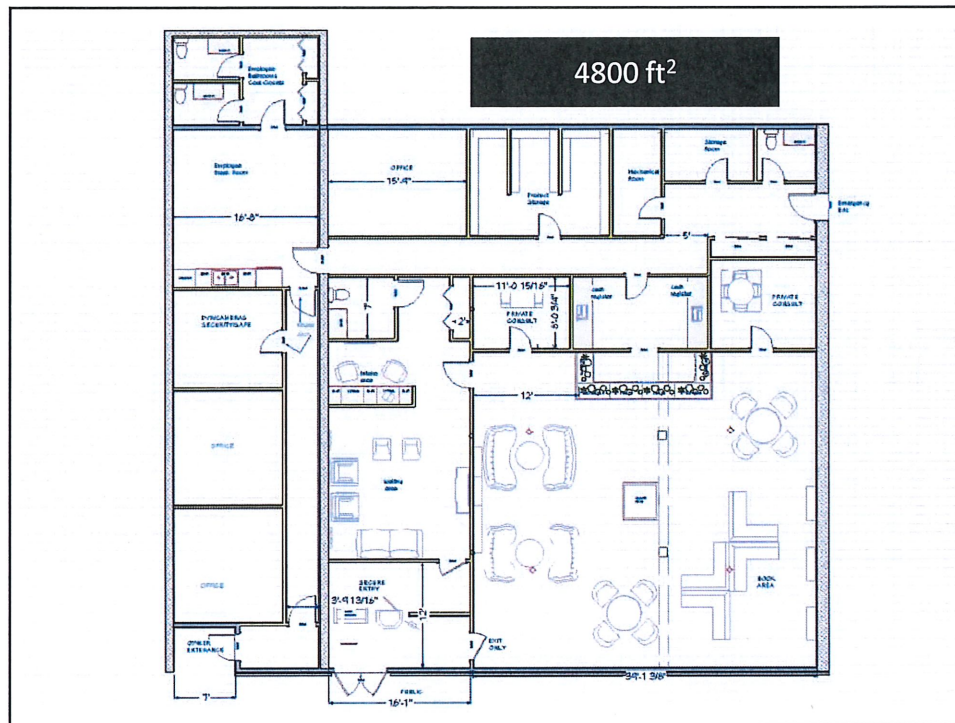


11906-11912 Madison Avenue
 Infleursion, LLC
 Conditional Use



11906-11912 Madison Avenue
 Infleursion, LLC
 Conditional Use









Request

The review and approval of a Conditional Use in order to operate the GTI Ohio medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

11906-11912 Madison Avenue
Infleursion, LLC
Conditional Use



Section 1129 & 1161
Body Art Establishments



Request

Review and recommendation to City Council regarding the proposed changes to Chapter 1129 & 1161, Conditional Uses, to conditionally permit body art establishments in the City.

Section 1129 & 1161
Body Art Establishments



Section 1129.02

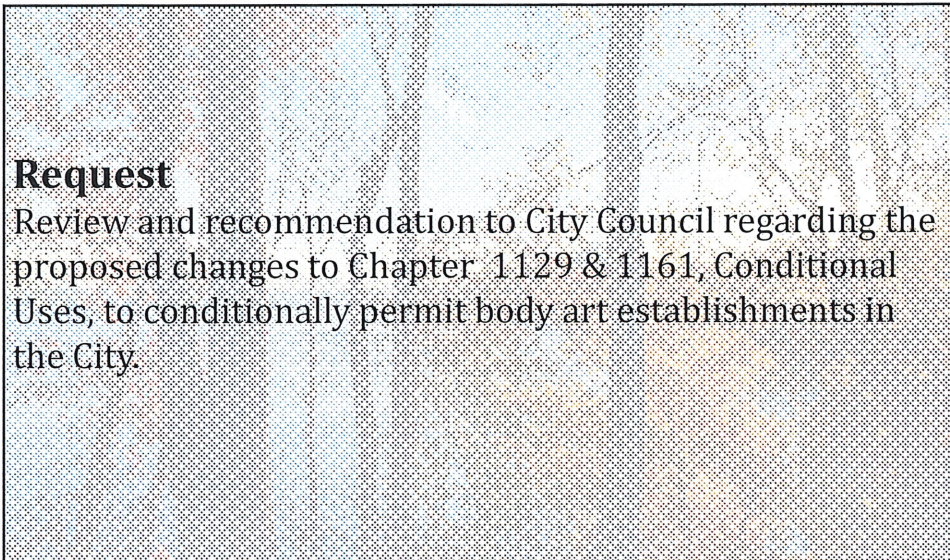
Body Art Establishment established as a conditional service retail use in C1, C2, and C3 Zoning Districts.

Section 1129 & 1161
Body Art Establishments

All requirements of the Ohio Administrative Code, plus:


- Section 1129 & 1161
-
- Body Art Establishments





Request
Review and recommendation to City Council regarding the proposed changes to Chapter 1129 & 1161, Conditional Uses, to conditionally permit body art establishments in the City.

Section 1129 & 1161
Body Art Establishments



Section 1143 & 1173
Parking Plan Review Fee



Request

Review and recommendation to City Council regarding the proposed changes to Chapters 1143 and 1173, to add a parking plan review fee. This item was referred to the Planning Commission by City Council at its October 16, 2017 meeting.

Section 1143 & 1173
Parking Plan Review Fee



Section 1143.09

Refers to fees in Section 1173.06 for parking plan applications.

Section 1173.06

Assigns a \$150 review fee for Parking Plans.

Section 1143 & 1173
Parking Plan Review Fee



Request

Review and recommendation to City Council regarding the proposed changes to Chapters 1143 and 1173, to add a parking plan review fee. This item was referred to the Planning Commission by City Council at its October 16, 2017 meeting.

Section 1143 & 1173
Parking Plan Review Fee



Planning Commission
November 2, 2017